

GRAVES CIRCUIT COURT
DIVISION 1
COMMONWEALTH OF KENTUCKY
JUDGE TIMOTHY C. STARK

-----X
CAROLYN WARD WIMAN and LATTA W. WIMAN,

Plaintiffs,

vs.

DEPOSITION UNDER ORAL
EXAMINATION OF
JACQUELINE MOLINE, M.D.

TRIANGLE ENTERPRISES, et al.,

Defendants.

Case No: 18-CI-00181

-----X
Transcript of the deposition of the witness,
called for Oral Examination in the above-captioned
matter, said deposition being taken pursuant to
Federal Rules of Civil Procedure by and before BRENDA
FITZGERALD, a Notary Public and Shorthand Reporter,
at the Northwell Health, 175 Community Drive, Great
Neck, New York on Monday, November 25, 2019,
commencing at 10:10 in the forenoon.

PRIORITY-ONE COURT REPORTING SERVICES, INC.
290 West Mt. Pleasant Avenue
Livingston, New Jersey 07039
(718) 983-1234

Job No. 3782925

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">I N D E X</p> <p>1 WITNESS EXAMINATION BY PAGE</p> <p>2 Jacqueline Moline, M.D. Mr. Ewald 4</p> <p>3 Mr. Gault 117</p> <p>4</p> <p style="text-align: center;">EXHIBITS</p> <p>5</p> <p>6 MOLINE DESCRIPTION FOR IDENT</p> <p>7 1 Deposition notice 20</p> <p>8 2 Dr. Moline's Reference & Reliance List 20</p> <p>9 3 Dr. Moline's Curriculum Vitae 22</p> <p>10 4 Dr. Moline's Deposition/Trial List 25</p> <p>11 5 Dr. Moline's handwritten notes 26</p> <p>12 6 Dr. Moline's Materials Reviewed/Relied 27</p> <p>13 7 Accepted copy of manuscript entitled</p> <p>14 Mesothelioma Associated with the Use of</p> <p>15 Cosmetic Talc 27</p> <p>16 8 AMA Analytical Services, Inc. Certificate</p> <p>17 of Analysis 94</p> <p>18 9 Johnson & Johnson press release 97</p> <p>19 10 Accepted copy of Exponent manuscript 101</p> <p>20 11 Copy of article entitled Health Effects</p> <p>21 of Censored Elongated Mineral Particles 107</p> <p>22 12 Copy of PowerPoint slide 110</p> <p>23 13 Copy of PowerPoint slide 111</p> <p>24 14 Copy of PowerPoint slide 113</p> <p>25 * 15 List of contents of documents in three</p> <p>binders 117</p> <p>* To be provided</p> <p style="text-align: center;">- oOo -</p>	<p style="text-align: right;">Page 4</p> <p>1 J A C Q U E L I N E M O L I N E, having been first</p> <p>2 duly sworn by a Notary Public of the State of New</p> <p>3 York, was examined and testified as follows:</p> <p>4 EXAMINATION BY</p> <p>5 MR. EWALD:</p> <p>6 Q. Good morning, Dr. Moline.</p> <p>7 A. Good morning.</p> <p>8 Q. How many hours have you spent preparing</p> <p>9 for your deposition today?</p> <p>10 A. Can you define what you mean by that?</p> <p>11 Q. Sure. Let's make it broader. How much</p> <p>12 time have you spent on your work in this case</p> <p>13 specifically?</p> <p>14 A. I would say approximately ten hours.</p> <p>15 Q. Can you please detail how you spent</p> <p>16 those ten hours.</p> <p>17 A. Reading through the medical records,</p> <p>18 going through taking notes on the medical records.</p> <p>19 Reading through the materials that were sent to me</p> <p>20 was the majority of the time, and then I had a brief</p> <p>21 meeting with Ms. Long on Friday.</p> <p>22 Q. How long was that meeting?</p> <p>23 A. Where we discussed the case, probably</p> <p>24 about 30 minutes, if that long.</p> <p>25 Q. Have you prepared an invoice for your</p>
<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S:</p> <p>2 LEVY KONIGSBERG, LLP</p> <p>Attorneys for Plaintiff</p> <p>3 800 Third Avenue</p> <p>New York, New York 10022</p> <p>4 BY: AMBER LONG, ESQ.</p> <p>5</p> <p>6 ORRICK, HERRINGTON & SUTCLIFFE, LLP</p> <p>Attorneys for the Defendant(s)</p> <p>7 Johnson & Johnson</p> <p>51 West 52nd Street</p> <p>8 New York, New York 10019-6142</p> <p>9 BY: JOHN L. EWALD, ESQ.</p> <p>10 ANNA E. STUART, ESQ.</p> <p>11 NAPIER, GAULT, SCHUPBACH & STEVENS, PLC</p> <p>Attorneys for the Defendant(s)</p> <p>12 Continental Tire</p> <p>730 West Main Street</p> <p>13 Louisville, Kentucky 40202</p> <p>14 BY: PATRICK W. GAULT, ESQ.</p> <p>(TELEPHONICALLY)</p> <p>15</p> <p>16 - oOo -</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 work in this case?</p> <p>2 A. No, not yet.</p> <p>3 Q. What are the case-specific opinions</p> <p>4 you're offering here?</p> <p>5 MS. LONG: Objection to form.</p> <p>6 A. That Carolyn Wiman is suffering from</p> <p>7 peritoneal mesothelioma as a result of her exposures</p> <p>8 to asbestos.</p> <p>9 Q. What asbestos exposures have you</p> <p>10 identified that Ms. Wiman encountered?</p> <p>11 A. She had exposure from her husband who</p> <p>12 worked at General Tire, her first husband. Her</p> <p>13 second husband also worked at General Tire, but he</p> <p>14 was retired by the time they married, and her</p> <p>15 exposures to Johnson & Johnson products.</p> <p>16 There is a question with no information</p> <p>17 whether her father might have had exposure when he</p> <p>18 worked as a carpenter helper at the gaseous diffusion</p> <p>19 plant in Kentucky, but there's no -- it's a possible</p> <p>20 exposure because there is no information related to</p> <p>21 what he actually did there, and also she assisted her</p> <p>22 mother with the laundry, but really helped hang it</p> <p>23 rather than shake it out and do the laundering, she</p> <p>24 did more of the hanging to dry, but that is a</p> <p>25 potential exposure, but the ones where -- the others</p>

<p style="text-align: right;">Page 6</p> <p>1 were the ones I mentioned.</p> <p>2 Q. Let's take the last one first. The</p> <p>3 father's potential exposure, what kind of work would</p> <p>4 he have to have been doing for it to be an actual</p> <p>5 exposure to asbestos in your view?</p> <p>6 MS. LONG: Objection to form.</p> <p>7 A. Well, it isn't necessarily the work he</p> <p>8 was doing, it's the environment he was in and whether</p> <p>9 they were using asbestos in the areas where he was</p> <p>10 working in the building of this plant. His work as a</p> <p>11 carpenter might or might not have included direct use</p> <p>12 of asbestos-containing materials, but he could have</p> <p>13 been around others who were using asbestos-containing</p> <p>14 materials.</p> <p>15 Q. So you're offering the opinion that that</p> <p>16 was a potential exposure to asbestos?</p> <p>17 A. I feel in the interest of completeness I</p> <p>18 have to include it as a potential exposure, but I</p> <p>19 have no information beyond that he worked there. I</p> <p>20 think it would be erroneous to not mention that that</p> <p>21 is a potential exposure for approximately four years,</p> <p>22 but beyond that I cannot testify specifically that he</p> <p>23 had an exposure that led to Ms. Wiman's having an</p> <p>24 exposure.</p> <p>25 Q. What information did you review</p>	<p style="text-align: right;">Page 8</p> <p>1 was very large, that fell down on a regular basis and</p> <p>2 they either fell on top of them or fell to the floor</p> <p>3 that were then run over by the forklifts with</p> <p>4 re-entrainment from the fallen asbestos. That was</p> <p>5 from the depositions of the co-workers.</p> <p>6 There was also an issue when there was a</p> <p>7 tornado and there was a significant amount of dust</p> <p>8 that was generated during the period when there were</p> <p>9 multiple -- when everything was shaken up, and then</p> <p>10 there was also some discussion of Mr. Ward working as</p> <p>11 a tire builder and in the calendering area where</p> <p>12 there was a potential where he had asbestos exposure</p> <p>13 during the manufacturing of the tires, similarly from</p> <p>14 the insulated steam pipes or from other insulation</p> <p>15 that might have occurred in the tire production area.</p> <p>16 Q. Do you have an opinion as to the length</p> <p>17 of time by years that Mr. Ward would have been</p> <p>18 exposed to asbestos in his job?</p> <p>19 A. Well, Mr. Ward worked there, I think he</p> <p>20 stopped in 1997, he retired in 1997 and he worked</p> <p>21 there -- I mean does it matter? It only matters when</p> <p>22 they were married.</p> <p>23 Q. Sure. Let's start --</p> <p>24 A. They were married in 1950 and he started</p> <p>25 working there after they were married, so he started</p>
<p style="text-align: right;">Page 7</p> <p>1 regarding the father's work as a carpenter?</p> <p>2 A. Whatever was provided in these binders.</p> <p>3 It was Ms. Wiman and then her sister's deposition</p> <p>4 were the ones that had any information at all.</p> <p>5 Q. Did you attempt to conduct any</p> <p>6 additional investigation beyond the materials that</p> <p>7 were provided to you by counsel?</p> <p>8 MS. LONG: Objection to form.</p> <p>9 A. At this point I did not. Also, there</p> <p>10 was -- I don't know if Mr. Ellenbecker was just asked</p> <p>11 about these questions, so it would have been from</p> <p>12 reading his industrial hygiene -- he's an industrial</p> <p>13 hygienist, from reading his deposition. I did not</p> <p>14 personally go to the plant. I don't even know if the</p> <p>15 plant is still there. I did not seek to obtain work</p> <p>16 records, which would not be particularly helpful</p> <p>17 anyway for folks that have passed on.</p> <p>18 Q. Let's talk a little bit about the</p> <p>19 exposure that you detailed relating to the first</p> <p>20 husband at General Tire. Can you describe the nature</p> <p>21 of asbestos exposure that he had and then the</p> <p>22 secondary exposure to Ms. Wiman?</p> <p>23 A. So based on the descriptions of the</p> <p>24 co-workers, there was asbestos insulation from pipes</p> <p>25 in the roof that were in the warehouse area, which</p>	<p style="text-align: right;">Page 9</p> <p>1 working there I believe it was in 1960 he started</p> <p>2 working at General Tire.</p> <p>3 Q. For the exposures that were relevant to</p> <p>4 Ms. Wiman, if it starts in 1960 at his employment, at</p> <p>5 what point in time do you cut off his workplace</p> <p>6 exposures at General Tire with respect to whether or</p> <p>7 not they're relevant to Ms. Wiman?</p> <p>8 MS. LONG: Objection to form.</p> <p>9 MR. GAULT: Object to form.</p> <p>10 A. I believe around 1980 they moved from</p> <p>11 the south warehouse to the north warehouse where</p> <p>12 there was less asbestos or no asbestos being used, so</p> <p>13 his exposure would have diminished if he was no</p> <p>14 longer working in that area. I think it's unclear</p> <p>15 exactly where he was working during that time, if he</p> <p>16 was never going back into the south warehouse, but at</p> <p>17 one point they did move to a cleaner environment from</p> <p>18 the asbestos standpoint.</p> <p>19 Q. What is your understanding of when</p> <p>20 Mr. Ward passed away?</p> <p>21 A. I think he passed away around 2004 or</p> <p>22 2005.</p> <p>23 Q. What is your understanding of when</p> <p>24 Mr. Ward and Ms. Wiman got divorced?</p> <p>25 A. They never got divorced, he died.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. I apologize. With respect to the job 2 change in 1997, what were you referring to? 3 A. He retired. 4 Q. Understood, but then I thought you said 5 something with respect to that would not have 6 impacted Ms. Wiman's exposure; did I mishear you? 7 A. She didn't have any exposure after he 8 retired. His General Tire exposure closed in 1997 9 since he wasn't working there anymore. 10 Q. Do you have an opinion as to the types 11 of asbestos that Mr. Ward would have been exposed to 12 in his job? 13 A. It was a combination of amosite and 14 chrysotile. 15 Q. Do you have an opinion as to how much of 16 that exposure was amosite as opposed to chrysotile? 17 A. I did not do the sampling. There's a 18 comprehensive sampling included in there of whatever 19 was in the pipes at whatever time they did the 20 sampling, but I don't know the exact percentage. 21 Q. Did that sampling material that you 22 reviewed inform the opinions that you're offering in 23 this case? 24 A. To the extent that it demonstrated that 25 the pipes had asbestos insulation.</p>	<p style="text-align: right;">Page 12</p> <p>1 something that you note that there was both 2 chrysotile and amosite. I think there was more 3 chrysotile than amosite. If you got something that's 4 four times as potent or two and a half times as 5 potent but you've got four times as much of the less 6 potent, then they're sort of equivalent, so it all 7 evens out in the wash, so to speak, as long as you 8 don't shake it. 9 Q. Have you attempted to quantify the 10 exposure to asbestos that Mr. Ward experienced in his 11 job? 12 A. I personally have not. 13 Q. Do you have a view on, let's say, the 14 fibers per cc or fiber per cc years how much asbestos 15 exposure Mr. Ward experienced in his job? 16 A. I don't have a specific opinion with a 17 quantitative value associated with it. I would defer 18 to Dr. Ellenbecker if he's going to do that. I think 19 it's challenging when there was no air testing done, 20 which they certainly could have done when they were 21 doing the surveys, but I don't have the data to be 22 able to do that. 23 I could tell from a qualitative 24 standpoint their descriptions of asbestos in the air 25 being disturbed led to a significant exposure.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Does it matter to your opinions in this 2 case the level of, for example, amosite that was 3 present in the insulation? 4 A. If you're trying to get a long-winded 5 way of asking me if all types of asbestos causes 6 mesothelioma, they do. Certainly his exposures to 7 asbestos are what counted. If there's pipe 8 insulation, then you say there's exposure to both 9 amphibole and chrysotile. 10 Q. That wasn't a long-winded way of getting 11 at whether they all cause it, I know your opinions in 12 that regard, but you also have opinions with respect 13 to potency as between the different types of asbestos 14 fibers; is that accurate? 15 A. On a fiber per fiber basis with respect 16 to mesothelioma, yes. 17 Q. With respect to your opinions in this 18 case, does it matter to you how much amosite Mr. Ward 19 was exposed to as opposed to how much chrysotile he 20 was exposed to in his job? 21 A. Only to the extent that if there's a 22 higher percentage of amosite there might be a higher 23 fiber per fiber risk of developing mesothelioma, but 24 because it's a combined exposure it exists in a 25 combined manner, so you'd look at both. It's just</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Are you able to provide any additional 2 opinion with respect to the exposure beyond that it 3 was significant? 4 MS. LONG: Objection to form. 5 A. There's no numbers that were done; 6 there's no air measurements that were done so one 7 could look to the literature and say what the 8 exposures would be from disturbing pipe insulation 9 and come up with an estimate that way. I have not 10 done a quantitative measurement. 11 Q. Do you have any citations to that 12 literature that you just referenced that you would 13 look at if you wanted to actually come up with a 14 quantitative estimate? 15 A. Balzer and Cooper is one of the 16 classics. 17 Q. Any others come to mind? 18 A. I would have to look at my reference 19 list. There's a number of studies. I'm sure 20 Dr. Ellenbecker would be able to provide you with 21 that information as an industrial hygienist. 22 Q. Let's talk about your opinions with 23 respect to the exposure to asbestos that Ms. Wiman 24 had in connection with her husband's work. What are 25 your opinions with respect to that?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. That her exposure is from laundering his 2 dust-laden clothes. She shook out his clothes 3 before she washed them, after she washed them, after 4 she dried them. She liked to shake clothes and after 5 shaking out the clothes it caused asbestos to become 6 airborne. She was exposed in that fashion. 7 Q. Do you have an opinion that that 8 exposure would be to both amosite and chrysotile? 9 MR. GAULT: Object to form. 10 A. Based on the pipe insulation contents, 11 yes. 12 Q. Have you done any kind of quantitative 13 exposure assessment that Ms. Wiman had from 14 laundering and shaking out the clothes? 15 A. I have not done a numerical value from 16 that. There are references in the literature. I'm 17 not sure. There are a number of studies that have 18 measured it. I don't know if it's in Anderson or 19 Vianna and Polan and a number of other take-home 20 exposures. 21 Q. Do you have an opinion as to the 22 frequency with which Ms. Wiman would have been 23 exposed to asbestos in the laundering of her 24 husband's work clothes? 25 A. She stated that she laundered -- she did</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yes. 2 Q. What is contained in those binders 3 generally? 4 A. Medical records. There's a whole list 5 of what's in the binders. You have that. I think 6 it's deposition transcripts of co-workers, her 7 daughter, her sister. There's the asbestos survey 8 that was done at the plant. There's Dr. Longo's 9 deposition. There's Dr. Ellenbecker's deposition. 10 Q. Have you reviewed all of the materials 11 that are contained in the three binders that were 12 brought with you today? 13 A. Yes. 14 Q. Are there any case-specific materials 15 that you reviewed in this case that are not contained 16 within those three binders? 17 A. No. 18 Q. Have you spoken with any other expert 19 witnesses in connection with your opinions in this 20 case? 21 A. No. 22 Q. Have you spoken with Ms. Wiman? 23 A. I have not. 24 Q. Did you ask counsel for the opportunity 25 to speak with Ms. Wiman?</p>
<p style="text-align: right;">Page 15</p> <p>1 laundry approximately twice a week, but also it 2 contaminates the household or the area where she was 3 doing the laundry, so it could have been additional, 4 but she did laundry twice a week based on her 5 description. 6 Q. Do you recall Ms. Wiman testifying that 7 her husband would not take off his clothing when he 8 immediately returned home from work? 9 A. I think in general he did not, on some 10 occasions he did. 11 Q. The testimony that Mr. Ward left his 12 work clothes on when he came home, in your opinion 13 would that have led to additional exposure to 14 asbestos that Ms. Wiman experienced? 15 MR. GAULT: Object to form. 16 A. Absolutely if she's interacting with 17 him, if he's contaminating the house, the dust gets 18 on the floor and she's cleaning the house. It would 19 be additional exposure not just from laundering his 20 clothes, if dust falls down or she's greeting him and 21 hugging him has potential to breathe in asbestos from 22 other encounters. 23 Q. Let's talk about what you reviewed 24 specifically for this case. You brought with you I 25 see three binders today; is that fair?</p>	<p style="text-align: right;">Page 17</p> <p>1 A. I didn't because I noted that Dr. Longo 2 had spoken to her. She's quite ill and I felt that 3 it would be duplicative in terms of some of the 4 questions we might be asking and I did not want to 5 call a very ill woman out of the blue. If Dr. Longo 6 had not reached out to her and asked her some of the 7 questions that I would have asked that were not 8 specifically asked in her deposition, then I would 9 have asked for that opportunity. 10 Q. Have you spoken with any of Ms. Wiman's 11 family members? 12 A. I have not spoken to her family members. 13 I've not spoken to her treating physician. 14 Q. Have you spoken with any of Mr. Ward's 15 co-workers at General Tire? 16 A. Apple Jaw seems like a very interesting 17 person, but I have not spoken to any of the 18 co-workers. He has the best name of a witness I have 19 ever seen. 20 Q. When were you retained as an expert in 21 this case? 22 A. I don't know. It was many months ago. 23 I think the case was initially scheduled to move 24 forward a little sooner and then it was delayed. It 25 was several months ago, but I began reviewing the</p>

<p style="text-align: right;">Page 18</p> <p>1 materials within the past few weeks.</p> <p>2 Q. When was the first time that you started</p> <p>3 reviewing materials in connection with this case?</p> <p>4 A. I would say about two weeks ago.</p> <p>5 Q. Do you have any record of when you would</p> <p>6 have been retained in this case?</p> <p>7 A. It would have been in the cover letter</p> <p>8 that is included in the binders since I didn't throw</p> <p>9 anything away. You're looking in the wrong one.</p> <p>10 Q. I appreciate the help. There's a letter</p> <p>11 enclosing additional records dated November 7, 2019.</p> <p>12 A. Those were sent to me whatever that date</p> <p>13 was. The binder you have there was the original one</p> <p>14 and I don't know if the cover letter is in there or</p> <p>15 not, but it was somewhere around February, the end of</p> <p>16 February I believe, but I didn't review anything</p> <p>17 until more recently.</p> <p>18 Q. February 2019?</p> <p>19 A. I believe so. I think there was one</p> <p>20 binder sent and then additional binders were sent</p> <p>21 more recently. I'm sure the Kazan firm or whoever</p> <p>22 wrote it can provide that correspondence.</p> <p>23 MR. EWALD: We would request a copy of</p> <p>24 that initial correspondence enclosing the materials</p> <p>25 that are in one of the three binders. The original</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. EWALD: The initial binder. Let's</p> <p>2 go ahead just for the record mark this as Exhibit 1,</p> <p>3 please.</p> <p>4 (Whereupon, deposition notice was</p> <p>5 received and marked Moline Exhibit 1, for</p> <p>6 identification, as of this date.)</p> <p>7 Q. Doctor, I am handing you what's been</p> <p>8 marked as Exhibit 1. Have you seen this before?</p> <p>9 A. I glanced at it briefly. I think it was</p> <p>10 included in one of the binders, but I basically noted</p> <p>11 it was there, but didn't go through it</p> <p>12 comprehensively.</p> <p>13 MR. EWALD: For the record, this is the</p> <p>14 deposition notice, the amended deposition notice,</p> <p>15 Exhibit 1.</p> <p>16 Q. Let's talk about the reference and</p> <p>17 reliance list.</p> <p>18 MR. EWALD: If you could mark this as</p> <p>19 Exhibit 2.</p> <p>20 (Whereupon, Dr. Moline's Reference &</p> <p>21 Reliance List received and marked Moline Exhibit 2,</p> <p>22 for identification, as of this date.)</p> <p>23 Q. Doctor, I am handing you what's been</p> <p>24 marked as Exhibit 2. What is that?</p> <p>25 A. It is a reference list. It is missing</p>
<p style="text-align: right;">Page 19</p> <p>1 set of materials.</p> <p>2 A. They didn't do a good job of labeling.</p> <p>3 MS. LONG: Counsel, will you send me a</p> <p>4 letter or Kazan's firm a letter?</p> <p>5 MR. EWALD: Sure. No problem.</p> <p>6 Q. In this binder there is a -- I'll hand</p> <p>7 this to you to take a look. It says documents sent</p> <p>8 to Moline; is that something counsel prepared or that</p> <p>9 you prepared?</p> <p>10 A. I don't refer to myself in the third</p> <p>11 person.</p> <p>12 Q. Some people do.</p> <p>13 A. The president does, but I don't</p> <p>14 personally myself. I don't appreciate not having a</p> <p>15 doctor in front of that, but anyway, I will raise</p> <p>16 that with the person who provided this. I did not</p> <p>17 provide this. This was provided by the law firm.</p> <p>18 Just to clarify, these were included in</p> <p>19 the binders. I took them out because I read them at</p> <p>20 different times, so it was just for ease of not</p> <p>21 carrying a binder.</p> <p>22 MR. EWALD: For the record, Dr. Moline</p> <p>23 is referring to Exhibits 9 and 10 from one of the</p> <p>24 three binders.</p> <p>25 A. It was from the initial binder.</p>	<p style="text-align: right;">Page 21</p> <p>1 the second part, which is the reliance documents, but</p> <p>2 during a break I can pull that. It's a list of</p> <p>3 references that I've been adding as I read more</p> <p>4 articles that I've been complying for a number of</p> <p>5 years.</p> <p>6 Q. When was this reference list prepared?</p> <p>7 A. It's an iterative documents.</p> <p>8 Q. When is the last time you updated it?</p> <p>9 A. Probably within the last couple of</p> <p>10 weeks.</p> <p>11 Q. Do you recall what's been added to the</p> <p>12 list?</p> <p>13 MS. LONG: Objection to form.</p> <p>14 A. I don't specifically recall what might</p> <p>15 have been added in the past two weeks. I work with</p> <p>16 one of my colleagues who helps me manage my</p> <p>17 references.</p> <p>18 Q. Which colleague is that?</p> <p>19 A. Her name is Elizabeth Salas (phonetic).</p> <p>20 Q. I may be mistaken, but I believe the</p> <p>21 last time I saw a reference list it was numbered 202</p> <p>22 and this one is 436. Has there been a significant</p> <p>23 addition of references within the last couple of</p> <p>24 months?</p> <p>25 A. I don't know when the 202 came from, but</p>

<p style="text-align: right;">Page 22</p> <p>1 it's been significantly more than 202 for a while. 2 Going through the reference list I realized that I 3 was missing certain types of articles, whether it was 4 on the stack of articles related to different types 5 of exposure. I didn't have some of the take-home 6 exposures at one point so I made sure they were 7 added, and then there were some articles I referenced 8 on asbestos cement that weren't on there, so we added 9 those, and then I add some related to ovarian cancer 10 at some point. 11 I just mostly am keeping one list and 12 allowing you to earn more time as you go through the 13 list, so you should thank me. 14 MR. EWALD: Can you please mark this as 15 Exhibit 3, please. 16 (Whereupon, Dr. Moline's Curriculum 17 Vitae was received and marked Moline Exhibit 3, for 18 identification, as of this date.) 19 Q. Dr. Moline, I am handing you what's been 20 marked as Exhibit 3. What is that? 21 A. It's a copy of my CV dated 22 November 11th. 23 Q. 2019? 24 A. Correct. 25 Q. What additions, revisions did you make</p>	<p style="text-align: right;">Page 24</p> <p>1 Johnson & Johnson talc products? 2 A. I have not done a dose estimate. It 3 would be a gross estimate in the sense that there was 4 no air monitoring done, but I did not attempt it. In 5 this particular case I was not asked to do a dose 6 calculation. 7 Q. As between potential asbestos exposures 8 that Ms. Wiman had from Johnson & Johnson products 9 and from her husband's work at General Tire, do you 10 have an opinion as to which was more offensive? 11 A. Certainly years-wise her exposure to 12 Johnson & Johnson was more extensive. It was 13 something she used from early childhood to very 14 recently, but in terms of relative exposure I have 15 not attempted to do a relative contribution. They're 16 both cumulative and it's specious to try to separate 17 them. 18 Q. Do you have an opinion as to what role, 19 if any, genetics played in contributing to 20 Ms. Wiman's mesothelioma? 21 MS. LONG: Objection to form. 22 A. There's certainly a family history of 23 cancer. There's no evidence of any genetic testing; 24 so it's speculative. There's no history of 25 mesothelioma in the family, but there are other</p>
<p style="text-align: right;">Page 23</p> <p>1 to your CV for this version? 2 A. At what point in time? 3 Q. It's dated November 11, 2019. I'm 4 asking basically when you revised it on or around 5 that date, what changes did you make? 6 A. Added some new interviews. Added some 7 new publications. Let's see if they incorporated 8 that I became president of the New York Occupational 9 and Environmental Medicine Association. That 10 occurred the week before or, no, actually the month 11 before. 12 Q. You said if they incorporated, who is 13 they? 14 A. I'm smart enough not to attempt to mess 15 with a formatted document, so I have my assistant 16 help me. 17 Q. What opinions are you offering in this 18 case with respect to Ms. Wiman's exposure to Johnson 19 & Johnson talc products? 20 A. That she used talc products for 21 virtually her entire life that were Johnson & Johnson 22 products and they contributed to her cumulative 23 asbestos exposure that led to her mesothelioma. 24 Q. Have you attempted to quantify 25 Ms. Wiman's exposure to asbestos from her use of</p>	<p style="text-align: right;">Page 25</p> <p>1 cancers that may indicate there's a genetic 2 predisposition to certain types of cancers. 3 Q. You indicated a family history of 4 cancer. What family history of cancer are you aware 5 of with respect to Ms. Wiman? 6 A. That her mother had breast cancer, her 7 sister had breast cancer, and another sister had 8 ovarian cancer, her father had pancreatic cancer, and 9 her brother had lung cancer. 10 Q. Did you also review testimony that her 11 mother had colon cancer? 12 A. Yes, I believe she also did. I think 13 the breast cancer was not something that she died 14 from. I think she died from her colon cancer. 15 MR. EWALD: I'm going to mark this as 16 Exhibit 4. 17 (Whereupon, Dr. Moline's Attorney 18 Deposition/Trial List was received and marked Moline 19 Exhibit 4, for identification, as of this date.) 20 Q. Dr. Moline, I'm showing you what's been 21 marked as Exhibit 4. Please identify what that is. 22 A. It's a list of deposition and trial 23 testimony over the past four years. 24 Q. Is it current as of today? 25 A. I don't include today's deposition, but</p>

<p style="text-align: right;">Page 26</p> <p>1 yes.</p> <p>2 Q. Fair enough. Dr. Moline, you've</p> <p>3 reviewed medical records of Ms. Wiman in connection</p> <p>4 with this case, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Are you aware of any medical records</p> <p>7 where a medical provider attributes Ms. Wiman's</p> <p>8 mesothelioma to her talc use?</p> <p>9 A. There's no mention of her talc use in</p> <p>10 the medical records in any way, shape or form,</p> <p>11 whether she even used it that I recall, no medical</p> <p>12 provider mentioned talc.</p> <p>13 Q. The medical records do identify asbestos</p> <p>14 exposure from the husband; is that correct?</p> <p>15 A. Yes.</p> <p>16 MR. EWALD: Mark this please as</p> <p>17 Exhibit 5.</p> <p>18 (Whereupon, Dr. Moline's handwritten</p> <p>19 notes were received and marked Moline Exhibit 5, for</p> <p>20 identification, as of this date.)</p> <p>21 Q. Dr. Moline, I'm handing you what has</p> <p>22 been marked as Exhibit 5. What is that, please?</p> <p>23 A. They are my handwritten notes that I</p> <p>24 took as I reviewed the various documents contained in</p> <p>25 the three binders that we discussed.</p>	<p style="text-align: right;">Page 28</p> <p>1 7, for identification, as of this date.)</p> <p>2 Q. Doctor, I'm handing you what's been</p> <p>3 marked as Exhibit 7. Can you please identify that</p> <p>4 for the record.</p> <p>5 A. It's an accepted manuscript entitled</p> <p>6 Mesothelioma Associated with the Use of Cosmetic Talc</p> <p>7 that I am the first author of.</p> <p>8 Q. Whose idea was it to draft this article?</p> <p>9 MS. LONG: Objection to form.</p> <p>10 A. To write this article?</p> <p>11 Q. Yes.</p> <p>12 A. It was something I've been thinking</p> <p>13 about doing for a long time, to do a case series, and</p> <p>14 at some point I had a conversation with Ron Gordon</p> <p>15 and we decided to collaborate.</p> <p>16 Q. So you had the idea for the article and</p> <p>17 talked to Dr. Gordon about writing it with you?</p> <p>18 A. They were actually in parallel. I had</p> <p>19 the idea of writing a case series for a long time.</p> <p>20 Dr. Gordon and I, in the course of a discussion, it</p> <p>21 came up and we said why don't we collaborate on an</p> <p>22 article. He had done tissue digestion in several</p> <p>23 cases that I realized that I had also reviewed and</p> <p>24 that's how it came about.</p> <p>25 Q. When you say that you had been thinking</p>
<p style="text-align: right;">Page 27</p> <p>1 Do you want to take a break?</p> <p>2 Q. Yes, I'm about to switch topics. I was</p> <p>3 going to say let's take a break.</p> <p>4 (A recess was taken.)</p> <p>5 MR. EWALD: Could you please mark this</p> <p>6 as Exhibit 6, please.</p> <p>7 (Whereupon, Dr. Moline's Materials</p> <p>8 Reviewed/Relied on was received and marked Moline</p> <p>9 Exhibit 6, for identification, as of this date.)</p> <p>10 Q. I'm handing you what's been marked as</p> <p>11 Exhibit 6. What is that, please?</p> <p>12 A. It's the reliance list that should have</p> <p>13 been included in Exhibit 2. It's just a general</p> <p>14 reliance list for talc-related issues.</p> <p>15 Q. Do you recall when that list was last</p> <p>16 updated?</p> <p>17 A. I don't. I think the last -- it may</p> <p>18 need to be updated if there's been an additional</p> <p>19 report, but certainly it was updated at some point</p> <p>20 after August 27, 2019.</p> <p>21 MR. EWALD: Please mark this as</p> <p>22 Exhibit 7.</p> <p>23 (Whereupon, accepted copy of manuscript</p> <p>24 entitled Mesothelioma Associated with the Use of</p> <p>25 Cosmetic Talc was received and marked Moline Exhibit</p>	<p style="text-align: right;">Page 29</p> <p>1 about doing a case series for a long time, how long a</p> <p>2 time are we talking about?</p> <p>3 A. A couple of years at least. I'm an</p> <p>4 academic physician, I'm always thinking about what</p> <p>5 kind of articles I can write. As I was reviewing</p> <p>6 more and more cases of mesothelioma with cosmetic</p> <p>7 talc exposure I felt it was important to get it into</p> <p>8 the medical literature.</p> <p>9 Q. So at some point after 2017; is that</p> <p>10 correct?</p> <p>11 A. I can't give you an exact time. It</p> <p>12 would have been at some point in all likelihood in</p> <p>13 2017, yes.</p> <p>14 Q. Just for the record, you were reviewing</p> <p>15 your list of cases that's been marked as Exhibit 4?</p> <p>16 A. Correct, because that's when I began</p> <p>17 reviewing more cases of talc exposure and started</p> <p>18 putting my academic hat on in addition to my other</p> <p>19 hats.</p> <p>20 Q. The title, Mesothelioma Associated with</p> <p>21 the Use of Cosmetic Talc, who came up with that</p> <p>22 title?</p> <p>23 A. I did.</p> <p>24 Q. Was that the same title in the draft</p> <p>25 that was sent to the peer reviewers?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. Yes.</p> <p>2 Q. Was there a different title in earlier</p> <p>3 drafts of the article?</p> <p>4 A. There was no title in the earlier drafts</p> <p>5 of the article.</p> <p>6 Q. When did you come with the title?</p> <p>7 A. Around the time that we submitted it.</p> <p>8 Titles are not as important as what's in the content.</p> <p>9 Q. I hear you. Your co-author is Kristen</p> <p>10 Bevilacqua; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. What is her educational background?</p> <p>13 A. She has a Master's of Public Health</p> <p>14 degree and she is currently in graduate school for a</p> <p>15 Ph.D.</p> <p>16 Q. What role did Ms. Bevilacqua play in</p> <p>17 connection with this article?</p> <p>18 A. She assisted in compiling some of the</p> <p>19 tables, working with me as we went through the cases,</p> <p>20 assisted in some of the -- we worked together on</p> <p>21 developing the background and section of the paper</p> <p>22 and she did more of the -- helped submit the IRB</p> <p>23 application. Actually, she is actually the one who</p> <p>24 submitted the IRB application.</p> <p>25 Q. Has Ms. Bevilacqua in the past assisted</p>	<p style="text-align: right;">Page 32</p> <p>1 with you in connection with your litigation</p> <p>2 consulting?</p> <p>3 A. Never.</p> <p>4 Q. I failed to ask, apologies. How did</p> <p>5 Ms. Bevilacqua come to be involved in connection with</p> <p>6 this article?</p> <p>7 A. I asked her if she would be interested.</p> <p>8 Q. Why did you ask her?</p> <p>9 A. Because I knew she was going into</p> <p>10 epidemiology, she's a brilliant woman, and she's good</p> <p>11 with things like IRB, and also she's a phenomenal</p> <p>12 researcher, so it was someone to assist me in some of</p> <p>13 the aspects of the paper.</p> <p>14 Q. Jumping around a little bit, but in the</p> <p>15 paper it states that the study was conducted with the</p> <p>16 approval of the Northwell Health Feinstein Institute</p> <p>17 for Medical Research. What does that mean?</p> <p>18 A. It means that we submitted an</p> <p>19 application describing the protocol and it was</p> <p>20 accepted and reviewed by our institutional review</p> <p>21 board.</p> <p>22 Q. Is it your understanding that the</p> <p>23 approval would have been required in order for the</p> <p>24 article to be written?</p> <p>25 A. I felt that it was necessary since there</p>
<p style="text-align: right;">Page 31</p> <p>1 you with your litigation consulting work?</p> <p>2 A. No.</p> <p>3 Q. To your knowledge, has Ms. Bevilacqua</p> <p>4 been involved at all in consulting for litigation?</p> <p>5 A. No.</p> <p>6 Q. Maya Alexandri is also listed as a</p> <p>7 co-author, correct?</p> <p>8 A. Correct.</p> <p>9 Q. What is her educational background?</p> <p>10 A. She was a lawyer, but she's a medical</p> <p>11 student now. Her legal degree was immaterial in the</p> <p>12 writing of this paper, but she is a medical student</p> <p>13 at the Hofstra School of Medicine and she assisted in</p> <p>14 some of the writing of the paper, not in the data</p> <p>15 collection.</p> <p>16 Q. How did Ms. Alexandri come to be</p> <p>17 involved in connection with this paper?</p> <p>18 A. She has done rotations with me. She has</p> <p>19 an interest in occupational medicine. We worked</p> <p>20 together on another case report that she presented to</p> <p>21 the medical students research day, and was interested</p> <p>22 in continuing to work with me on any projects and it</p> <p>23 just so happened she had some free time over the</p> <p>24 summer and assisted us.</p> <p>25 Q. Has Ms. Alexandri previously assisted</p>	<p style="text-align: right;">Page 33</p> <p>1 are humans involved and it's a publication that has</p> <p>2 personal health information. Actually, there's no</p> <p>3 identifiable personal health information in the</p> <p>4 paper, but because we were writing a case series, I</p> <p>5 felt that it was important to ensure that we were</p> <p>6 abiding by all requirements for the protection of</p> <p>7 human subjects.</p> <p>8 Q. What was the nature of the application</p> <p>9 that was provided to Northwell Health?</p> <p>10 A. They have a list of questions about what</p> <p>11 the project entails and what kind of data is going to</p> <p>12 be collected, how the data is going to be stored,</p> <p>13 things along those lines.</p> <p>14 Q. Was there any request or communications</p> <p>15 from Northwell Health after you submitted your</p> <p>16 application for approval?</p> <p>17 A. Apart from getting the approval?</p> <p>18 Q. Apart from getting the approval.</p> <p>19 A. I don't know. I don't recall that they</p> <p>20 asked for any revisions or clarifications. I</p> <p>21 honestly don't recall. I don't think -- if they did</p> <p>22 it wasn't substantive.</p> <p>23 Q. Would that request have been made to you</p> <p>24 or one of your co-authors?</p> <p>25 A. Ms. Bevilacqua is the one who</p>

<p style="text-align: right;">Page 34</p> <p>1 spearheaded it. I would have been cc'd as the 2 principal investigator. I don't think there were 3 significant requests for anything to be changed. 4 Q. You mentioned a conversation with 5 Dr. Gordon that you had in connection with proceeding 6 with the paper; is that accurate? 7 A. Yes. 8 Q. Do you recall when that conversation 9 was? 10 A. It was probably at some point in 2017, 11 2018. I don't recall. Probably early 2018. 12 Q. Do you recall where the conversation 13 took place? 14 A. I'm pretty sure it was a phone 15 conversation. 16 Q. You talked to Dr. Gordon about 17 proceeding with this case series. What did 18 Dr. Gordon have to say about it? 19 A. He wanted to collaborate. He realized 20 he needed a clinician in order to flesh out the case 21 reports since he is not somebody who could describe 22 the clinical courses of the patients. I've known 23 Dr. Gordon for many, many years and it just was a 24 natural conversation that we had when we realized 25 that we had a common interest in publishing work</p>	<p style="text-align: right;">Page 36</p> <p>1 A. I might have written it on a piece of 2 paper and then typed what I wrote. Sometimes I write 3 longhand and sometimes I write directly into the 4 computer. I don't remember. I think some were on 5 the computer and some I might have transcribed. 6 Q. The manuscript was ultimately accepted 7 by the Journal of Occupational and Environmental 8 Medicine, correct? 9 A. Yes. 10 Q. Why did you decide to submit the article 11 to that journal? 12 A. Well, it's a journal in my field, it's a 13 journal that has published articles on cosmetic talc, 14 and it's also a journal that publishes case series. 15 Q. Did you submit the manuscript to any 16 other journals? 17 A. No. 18 Q. Do you know any of the members of the 19 editorial board at that journal? 20 A. I'm sure I do. I don't know who's on 21 the board of the journal. I know the 22 editor-in-chief. 23 Q. Who's the editor-in-chief? 24 A. Paul Brandt-Rauf. 25 Q. How do you know him?</p>
<p style="text-align: right;">Page 35</p> <p>1 related to these cases. 2 Q. What role did Dr. Gordon play in 3 connection with this article? 4 A. He did all the tissue digestions. 5 Q. There are six tissue digestions that are 6 identified in the article, correct? 7 A. Yes. 8 Q. So beyond the tissue digestions, what 9 work did he do? 10 A. Described the methodology that he used, 11 also provided information about the control samples 12 that are described in the paper, as well as obviously 13 the results of the tissue digestion. 14 Q. What role did you play with respect to 15 the drafting of the article? 16 A. I was the principal author in drafting 17 it. I provided -- I worked very closely with 18 Ms. Bevilacqua in drafting it, but we talked about 19 what kind of topics to include in the background and 20 then I drafted the case reports, and then in writing 21 up the results and then the discussion, it was a 22 combination of the two of us writing it together. 23 Q. When you say you drafted the case report 24 descriptions, is that you physically typing on the 25 computer?</p>	<p style="text-align: right;">Page 37</p> <p>1 A. I've known him since 1991 when he was at 2 Columbia and I spent time meeting with him. He might 3 have even taught some classes and then our career 4 paths have overlapped. I think he might have been a 5 mentor when I did my fellowship on biomarkers. I 6 know we had specific conversations about cancer 7 biomarkers in 1992, 1993, 1994. 8 Q. Do you know who reviewed your paper? 9 A. The peer review process is anonymous or 10 is blinded. I have no idea. 11 Q. Just making sure. Did you make any 12 changes to the article as a result of the peer review 13 process? 14 A. Yes. 15 Q. What changes were made? 16 A. They asked that we -- they felt that 17 some of the background and discussions were 18 duplicative. They asked for some clarification in 19 certain areas. I think they wanted some clarity on 20 how the methodology was described for the tissue 21 digestion. Those are the main things that I 22 remember. 23 Q. When you say clarification in certain 24 areas to identify the methodology of the tissue 25 digestion, any other areas that you can recall that</p>

<p style="text-align: right;">Page 38</p> <p>1 the peer reviewer requested clarification on?</p> <p>2 A. I think there were a couple of comments</p> <p>3 that some sentences were fragments that they wanted</p> <p>4 us to rewrite. I don't recall all the specific</p> <p>5 changes that were requested.</p> <p>6 Q. Do you still have a record of</p> <p>7 communications with the journal that you received</p> <p>8 with respect to the peer review process?</p> <p>9 MS. LONG: Objection to the form.</p> <p>10 A. I might have, I think I do have a copy</p> <p>11 of the initial review, yes.</p> <p>12 MR. EWALD: We would just ask at this</p> <p>13 point in time that you maintain that copy and we will</p> <p>14 discuss it with counsel.</p> <p>15 Q. I believe you said you have a copy of --</p> <p>16 what did you call it, initial review?</p> <p>17 A. There was one review. I have a copy of</p> <p>18 the actual review.</p> <p>19 Q. Were there any other communications with</p> <p>20 the journal that you and/or your co-authors had with</p> <p>21 respect to the article?</p> <p>22 MS. LONG: Objection to form.</p> <p>23 A. Only they submitted -- they sent us the</p> <p>24 proofs for us to make changes subsequent to the</p> <p>25 online publication. So there was communication at</p>	<p style="text-align: right;">Page 40</p> <p>1 in passing.</p> <p>2 Q. What did you tell Dr. Brandt-Rauf about</p> <p>3 the paper when you had that initial conversation with</p> <p>4 him?</p> <p>5 A. I asked if they would be interested in</p> <p>6 publishing a case series and I explained why I</p> <p>7 thought it was a value to the readers of the journal</p> <p>8 and that was basically it. He said send it on in.</p> <p>9 Q. Do you remember approximately when this</p> <p>10 conversation occurred?</p> <p>11 A. It was at some point in 2018, but I</p> <p>12 don't recall when it was.</p> <p>13 Q. Do you recall approximately when the</p> <p>14 paper was actually submitted to the journal?</p> <p>15 A. It was late summer.</p> <p>16 Q. Of 2019?</p> <p>17 A. '19. I had a little hiccup in 2018 that</p> <p>18 delayed me.</p> <p>19 Q. I recall. I take it from your testimony</p> <p>20 that before the article was accepted for publication</p> <p>21 by the Journal of Occupational and Environmental</p> <p>22 Medicine that you did not communicate with any</p> <p>23 lawyers with respect to the article?</p> <p>24 A. I did not. I did not include it in any</p> <p>25 conversations and they were not even aware it had</p>
<p style="text-align: right;">Page 39</p> <p>1 that point where we fixed a couple of grammatical</p> <p>2 errors. The final manuscript when it is published</p> <p>3 will not be substantively changed, but will not be</p> <p>4 verbatim.</p> <p>5 Q. I can't find it right now, I'm sure I'll</p> <p>6 find it later. There was a double negative there</p> <p>7 somewhere; did you see that one?</p> <p>8 A. Yes. Yes, we took it out. Aren't you</p> <p>9 the king and queen of double negatives being lawyers?</p> <p>10 Q. We try not to be, but, yes, it ends up</p> <p>11 coming out pretty awkward.</p> <p>12 Before the journal accepted the article</p> <p>13 for publication, did you have any communications with</p> <p>14 any individuals about the article outside of the</p> <p>15 group of authors and the journal?</p> <p>16 MS. LONG: Objection to form.</p> <p>17 A. I called Dr. Brandt-Rauf when we were</p> <p>18 envisioning writing the article to see if it would be</p> <p>19 something that the journal would be interested in</p> <p>20 publishing and he encouraged me to submit it. That's</p> <p>21 something often you'll do, just say is this</p> <p>22 appropriate because not all journals publish case</p> <p>23 series. I have not had conversations with any other</p> <p>24 individuals related to the paper except for my</p> <p>25 colleagues in my department, but it would have been</p>	<p style="text-align: right;">Page 41</p> <p>1 been submitted.</p> <p>2 Q. I also take it from your testimony that</p> <p>3 the same answer with respect to any other individuals</p> <p>4 that serve as experts in asbestos and talc</p> <p>5 litigation, that you did not submit to them or have</p> <p>6 it submitted to them before the journal accepted the</p> <p>7 article for publication?</p> <p>8 MS. LONG: Objection to form.</p> <p>9 A. I did not send drafts of the article to</p> <p>10 anyone for their opinion or review at all. I did not</p> <p>11 have any conversations specific to the article.</p> <p>12 Q. I just want to make sure those are two</p> <p>13 separate things, right, there's the submitting of the</p> <p>14 draft of the article and then there's having</p> <p>15 conversations about the article, two separate things,</p> <p>16 right?</p> <p>17 A. Right, no one saw this article before it</p> <p>18 was submitted. In a passing conversation I might</p> <p>19 have said I'm about to submit something, but I don't</p> <p>20 remember even who it was, but it was not somebody</p> <p>21 that I have seen on a witness list where I have</p> <p>22 testified.</p> <p>23 Q. You talked about a little bit early</p> <p>24 passing conversations with your colleagues; is that</p> <p>25 now what you're referring to as well?</p>

<p style="text-align: right;">Page 42</p> <p>1 MS. LONG: Objection to form.</p> <p>2 A. People in my department know what</p> <p>3 everyone is working on because we discuss those kinds</p> <p>4 of things in faculty meetings, so that was what I was</p> <p>5 discussing with respect to my colleagues.</p> <p>6 Q. What sort of things would you discuss at</p> <p>7 a faculty meeting before the article was accepted for</p> <p>8 publication?</p> <p>9 MS. LONG: Objection to form.</p> <p>10 A. That it was being submitted. We keep</p> <p>11 people up to date on what kind of activities people</p> <p>12 are doing including what manuscripts are being</p> <p>13 written about what.</p> <p>14 Q. On the funding it states, on the copy I</p> <p>15 have, "no funds or external assistance were obtained</p> <p>16 by any outside source in the development, writing,</p> <p>17 analysis, conclusions of this manuscript."</p> <p>18 Did I read that correctly?</p> <p>19 A. You did.</p> <p>20 Q. Were there any changes that were made to</p> <p>21 the funding disclosure?</p> <p>22 A. No.</p> <p>23 Q. What are you trying to convey with that</p> <p>24 sentence?</p> <p>25 MS. LONG: Objection to form.</p>	<p style="text-align: right;">Page 44</p> <p>1 few hours, sometimes I worked on it for a shorter</p> <p>2 period of time. I honestly cannot give you an</p> <p>3 estimate. I didn't need to count my hours.</p> <p>4 Q. It must be nice.</p> <p>5 A. Academic freedom is a beautiful thing.</p> <p>6 Q. Can you tell me whether it's, for</p> <p>7 example, less than 50 hours?</p> <p>8 A. I can't even venture a guess. I don't</p> <p>9 know how long it took.</p> <p>10 Q. The abstract, the objective is</p> <p>11 identified in the copy I have as to describe</p> <p>12 exposures to talcum powder leading to mesothelioma</p> <p>13 among 33 individuals as a non-occupational asbestos</p> <p>14 exposure. Did I read that correctly?</p> <p>15 A. Yes.</p> <p>16 Q. You and your authors, co-authors use the</p> <p>17 phrase leading to mesothelioma.</p> <p>18 What do you mean by that?</p> <p>19 A. It's just a semantic way. They had</p> <p>20 exposure to talcum powder, they developed</p> <p>21 mesothelioma. I wasn't leading anybody, like leading</p> <p>22 a witness. It wasn't used in that context.</p> <p>23 You have to also understand that the</p> <p>24 rules of this journal are 150 words, so it's</p> <p>25 truncated in terms of what can be put in the abstract</p>
<p style="text-align: right;">Page 43</p> <p>1 A. That I was not paid to write this</p> <p>2 article on behalf of plaintiff lawyers or defense</p> <p>3 lawyers. I received no assistance from any outside</p> <p>4 source to help me write it. I didn't have a company</p> <p>5 author write it or a contractor write any part of</p> <p>6 this article. The analysis and conclusions are</p> <p>7 solely based on the authors', me included,</p> <p>8 interpretation of the results.</p> <p>9 Q. In this context when you say analysis,</p> <p>10 what are you referring to?</p> <p>11 A. Looking at the data and synthesizing it</p> <p>12 all into an article.</p> <p>13 Q. You had previously analyzed all 33 cases</p> <p>14 in your capacity as an expert witness in litigation</p> <p>15 before writing the manuscript, correct?</p> <p>16 A. They were all done separately and prior</p> <p>17 to writing the manuscript, correct.</p> <p>18 Q. And you were compensated at your hourly</p> <p>19 rate by plaintiffs' attorneys for your analysis in</p> <p>20 those 33 cases, correct?</p> <p>21 A. For review of those, yes.</p> <p>22 Q. Do you have a sense of how many hours it</p> <p>23 took you personally in working on this article?</p> <p>24 A. I can't even begin to imagine. It was</p> <p>25 done at various points and sometimes I worked on it a</p>	<p style="text-align: right;">Page 45</p> <p>1 and there are guidelines as to what could be in, not</p> <p>2 article specific, there has to be a particular</p> <p>3 format.</p> <p>4 Q. Who did the drafting of this abstract?</p> <p>5 A. Ms. Bevilacqua and I did it together.</p> <p>6 Q. You ultimately signed off on the content</p> <p>7 of the abstract, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Doctor, under the results of the</p> <p>10 abstract the second sentence states, "talcum powder</p> <p>11 usage was the only source of asbestos for all</p> <p>12 33 cases." Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. To your knowledge, is that going to</p> <p>15 remain unchanged in the version that's been</p> <p>16 published?</p> <p>17 A. Yes.</p> <p>18 Q. What do you mean by that sentence?</p> <p>19 A. That in the 33 cases that were presented</p> <p>20 in the article, that I was able to discern no other</p> <p>21 exposure to asbestos.</p> <p>22 For example, I would not have included</p> <p>23 Ms. Wiman in this particular article. She's a</p> <p>24 perfect case of somebody who would not have been</p> <p>25 included because she has not just exposure from</p>

<p style="text-align: right;">Page 46</p> <p>1 cosmetic talc, but also take-home exposure from her 2 husband. So that was the differentiation. This case 3 actually allows us to give you a stark example of 4 what I meant.</p> <p>5 Q. Can you describe what the parameters you 6 used in choosing the individual cases for this 7 series?</p> <p>8 MS. LONG: Objection to form.</p> <p>9 A. Only in a general sense in that I went 10 through various cases and looked to see if there was 11 alternate exposures or additional exposures in 12 addition. For example, a spouse or they were 13 involved in home renovations or something along the 14 like and excluded those cases from the 33 I wrote 15 about.</p> <p>16 Q. Were there any other general parameters 17 that you used in choosing the 33 that you write about 18 in the paper?</p> <p>19 A. It was the cases that I had to choose 20 from testimony that we were writing the paper. 21 Certainly there have been other cases since the paper 22 was started that I did not include, but it was just 23 going through them sequentially basically.</p> <p>24 Q. Is it your understanding, Dr. Moline, 25 that Dr. Gordon was compensated for the tissue</p>	<p style="text-align: right;">Page 48</p> <p>1 had a discussion with him if he had ever done tissue 2 digestion on the other 27. We decided to write up 3 six cases and then describe other cases.</p> <p>4 Q. How did you choose the six cases?</p> <p>5 A. Again, it was six cases that Dr. Gordon 6 had, that he had done, and I had also reviewed those 7 cases and we realized in looking at those cases that 8 there had been no additional or no other sources of 9 asbestos apart from the cosmetic talc, so it was 10 looking at a list of these six cases and reviewing to 11 ensure there was no additional exposure.</p> <p>12 Q. Who selected the six cases?</p> <p>13 A. Dr. Gordon. It was Dr. Gordon did the 14 tissue digestion was the starting point, so it was 15 these six cases that had no additional exposures.</p> <p>16 Q. So Dr. Gordon identified these six cases 17 as ones where he did tissue digestions and you said 18 basically yes, we'll focus on these six cases?</p> <p>19 MS. LONG: Objection to form.</p> <p>20 A. Yes, I believe he had given me a list of 21 eight or nine cases, but there were some that had 22 questionable additional exposures so we did not 23 include them. I don't remember the list.</p> <p>24 Q. The ones that were not included, are you 25 saying they weren't included amongst the six or they</p>
<p style="text-align: right;">Page 47</p> <p>1 digestion work that he did as an expert witness in 2 talc litigation for the six cases that are identified 3 here?</p> <p>4 MS. LONG: Objection to form.</p> <p>5 A. I have had no conversations with 6 Dr. Gordon regarding that.</p> <p>7 Q. But do you have an understanding that 8 the six tissue digestions of his that are discussed 9 in this paper were done in the context as an expert 10 witness in asbestos litigation?</p> <p>11 MS. LONG: Objection to form.</p> <p>12 A. Yes, that was the initial manner by 13 which he was asked to do the tissue digestion. I 14 think we were pretty explicit in the article about 15 the providence of these cases.</p> <p>16 Q. So there was six tissue digestions by 17 Dr. Gordon that are discussed in the paper, correct?</p> <p>18 A. Correct.</p> <p>19 Q. Did Dr. Gordon conduct any tissue 20 analysis of which you are aware in connection with 21 the other 27 cases discussed?</p> <p>22 A. I have not discussed that with him. We 23 decided to limit the number of cases to six. It 24 becomes overwhelming for a reader to read multiple 25 cases that are all very similar. I actually never</p>	<p style="text-align: right;">Page 49</p> <p>1 weren't included amongst the 33 overall?</p> <p>2 A. They weren't included in either.</p> <p>3 Q. But you did not tell Dr. Gordon that you 4 wanted to focus on one of the other 33 cases that are 5 listed in the article?</p> <p>6 MS. LONG: Objection to form.</p> <p>7 A. Do you mean one of the other 27?</p> <p>8 Q. Yes.</p> <p>9 A. I did not. It was the cases he had 10 done, the cases I also reviewed. I did not discuss 11 the others.</p> <p>12 Q. Was it Dr. Gordon that thought that six 13 was the right number to focus on?</p> <p>14 A. No, it was my choice to limit it to six.</p> <p>15 Q. You testified that there were a couple 16 cases that you excluded because of potential 17 alternative exposures, right?</p> <p>18 A. Yes, at least one. There was one. I 19 don't know if there were additional.</p> <p>20 Q. Of the 33 that ended up being discussed 21 in your article, are there any that Dr. Gordon 22 presented to you as being one of the six that you 23 said no, we should not use that as one of the six?</p> <p>24 MS. LONG: Objection to form.</p> <p>25 A. No, the only cases that I'm aware of</p>

<p style="text-align: right;">Page 50</p> <p>1 that Dr. Gordon had any involvement with is the six. 2 It is possible that he did a tissue digestion on the 3 others, but if he did, I did not focus on that 4 because I decided that we were going to stop at six. 5 Q. Do you have let's call it a key that 6 matches up with each of the 33 case studies with the 7 litigation plaintiff's name? 8 MS. LONG: Objection to form. 9 A. Are you asking if I identified the 10 listing of the cases? 11 Q. Yes. 12 A. There is an identified case listing. 13 You will not get it. 14 Q. Why is that? 15 A. Because it's protected under IRB and 16 HIPAA and it's protected health information. 17 Q. What is the basis of your understanding 18 for that? 19 A. That this is a research endeavor and we 20 did not solicit consent with the understanding that 21 they would be anonymous and not identified by name in 22 the article or other identifying features apart from 23 age of diagnosis and occupation or other things along 24 those lines. 25 Q. Why did you choose 33 as a number?</p>	<p style="text-align: right;">Page 52</p> <p>1 from the talc usage? 2 A. I don't recall the exact number. It was 3 something initially going through the various cases 4 that I reviewed, which is many more than 33 over the 5 past years. Honestly, I can't give you an exact 6 number. I can't say it was 50 percent. I can't say 7 25 percent. I don't know because I wasn't cataloging 8 my exclusions. 9 Q. For those cases where you did not 10 identify a potential other source of asbestos from 11 the cosmetic talc, what criteria did you use to 12 choose your 33? 13 A. I'm sorry. I lost you. 14 Q. You talked about excluding some from the 15 case series where you identified a potential asbestos 16 exposure. 17 A. Ms. Wiman, for example. 18 Q. Without would not have been available to 19 you I don't think at the time you were drafting the 20 article, fair? 21 MS. LONG: Right. It should be clear 22 that you're using Wiman as an example of the type. 23 A. She was not considered, nor excluded, 24 but because we're here, hopefully going to get back 25 to the case at some point in my life, she's a prime</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Because I'm a history of science major. 2 Q. You reference the Wagner paper; is that 3 the reason you chose 33? 4 A. I thought it was a beautifully 5 symmetrical way to describe a -- since Dr. Wagner in 6 1960 made the connection or the widely accepted 7 connection between mesothelioma and asbestos based on 8 a case series of 33 individuals that has been widely 9 accepted in the medical literature, I thought it was 10 only fitting to use that same number in an article 11 almost 60 years later that's describing an exposure 12 that heretofore had not been comprehensively 13 described in the medical literature. It's of a 14 historical reference. I could have picked another 15 number, but I like the historical implications. 16 Q. At the time that you were selecting 17 which cases to use in your case series, how many 18 cases did you have available to select from? 19 A. More than 33. I don't remember the 20 exact number. I have not counted the exact number of 21 cases I've reviewed, so I can't give you an actual 22 number. 23 Q. Do you have a sense of how many cases 24 you excluded from the series on the basis that they 25 were essential asbestos exposures separate and apart</p>	<p style="text-align: right;">Page 53</p> <p>1 example of someone who would not have been included 2 because she had a second exposure or potentially 3 others. So that was the same type of analysis that I 4 went through; if in the course of either my interview 5 or the deposition transcripts or other information 6 available there was identification of an alternate 7 exposure, then they would have been excluded. 8 Q. So my poorly worded question earlier, 9 this isn't much better, my question then is, of the 10 cases available to you at the time you were selecting 11 your 33 that did not in your estimation have a other 12 potential source of asbestos exposure, what criteria 13 did you use to use amongst those for your 33? 14 A. It was basically sequential. I went 15 through the various reports that I've written or 16 cases that I've reviewed and began compiling those 17 that are cosmetic talc. It wasn't like I said 18 73 percent women and 27 percent men. I didn't have 19 exclusion criteria along those lines apart from 20 having an additional exposure to asbestos or 21 potential asbestos exposure. 22 Q. If I'm hearing you correctly, once you 23 got to 33 as you're going down the list where there 24 wasn't, in your estimation, other potential source of 25 asbestos exposure you stopped?</p>

<p style="text-align: right;">Page 54</p> <p>1 A. Yes. I could have continued, but I 2 wanted my 33 number. If I were to write the paper 3 and include all of them, the number would be much 4 higher. 5 Q. Do you have an estimate of how much 6 higher it would be? 7 A. I don't know. I haven't looked. There 8 certainly are cases I've reviewed since then where 9 their sole exposure to asbestos has been to cosmetic 10 talc that are not included or were not considered in 11 the manuscript, but I can't give you a number. 12 Q. I believe I know the answer to this 13 question based on your answer to the previous 14 question, but I'll ask it anyway. 15 In selecting the cases for your case 16 series, did it matter to you the type of mesothelioma 17 that the individual had been diagnosed with? 18 A. Define type. 19 Q. I will be very general with respect to 20 peritoneal, pericardial or pleural. 21 A. You mean location of tumor? 22 Q. Sure. 23 A. That is the anatomically correct 24 question rather than type because type could mean -- 25 do you mean biphasic? Do you mean sarcomatoid? Do</p>	<p style="text-align: right;">Page 56</p> <p>1 me on their own as opposed to being referred in by a 2 lawyer? Is that what you're asking me? 3 Q. Yes. 4 A. No one came to me directly. 5 Q. All of these came to you via lawyers in 6 connection with litigation? 7 A. Correct. 8 Q. When you say in the Background section, 9 "for all 33 cases, other potential exposures to 10 asbestos were considered, with no identified source 11 apart from the talcum powder." 12 Did I read that correctly? 13 A. Yes. 14 Q. What information did you consider in 15 determining whether or not there were other potential 16 exposures to asbestos? 17 A. I think it's described later in the 18 manuscript and I think we've talked about it already. 19 It was whether they had any household exposure, they 20 worked in an occupation where there was asbestos 21 exposure apart from the use of cosmetic talc. 22 For example, there are three 23 hairdressers, so they had occupational exposure to 24 cosmetic talc, but it was all cosmetic talc, they 25 didn't have take-home exposure from living with</p>
<p style="text-align: right;">Page 55</p> <p>1 you mean epithelioid? 2 Q. Sure. 3 A. I did not pay attention or I did not 4 differentiate based on anatomical location or first 5 presentation of tumor. 6 Q. If we are using your definition of type, 7 I take it you did not differentiate based on the type 8 of mesothelioma? 9 A. I did not differentiate based on 10 pathological classification either. 11 Q. You did not differentiate in choosing 12 your 33 cases as between whether or not the 13 individual was a male or female? 14 A. No. 15 Q. When you submitted the manuscript for 16 publication, did it have 33 cases? 17 A. Yes. 18 Q. Was there any peer review process, 19 comments about the number of cases that you had 20 chosen? 21 A. No. 22 Q. Is it accurate that you did not 23 encounter any of the 33 individuals referenced in the 24 article in the course of your clinical practice? 25 A. Are you asking me if any of them came to</p>	<p style="text-align: right;">Page 57</p> <p>1 somebody who worked in an asbestos profession, they 2 were not living in an home or participating in home 3 renovations, they had no identifiable source of 4 asbestos exposure. 5 Q. I understand it may be different, the 6 specifics may be different as to each individual of 7 the 33. I'm trying to get a sense of your process 8 overall, so I'll start general. 9 In reviewing materials for other 10 potential asbestos exposures, did you or your 11 co-authors do any new investigation for any of the 12 cases that had not already been done in litigation? 13 A. No. 14 Q. In reviewing other potential asbestos 15 exposures, did you review any data other than that 16 which you reviewed at the time of your deposition in 17 that particular case? 18 A. I have no idea how to answer that 19 question. I don't know what you're asking me. If 20 you're asking me if I was deposed in case A, I would 21 have been asked what I reviewed at that deposition. 22 Maybe I was provided something subsequent which would 23 have been in a supplemental report if there was one, 24 but I don't recall any specifically with these 25 33 cases.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q. It's not a trick question.</p> <p>2 A. No, I understand. I don't really know</p> <p>3 what you're asking me. I hadn't been provided with</p> <p>4 any other information that I recall apart from the</p> <p>5 information that had initially been provided that I</p> <p>6 used in generating my reports.</p> <p>7 Q. Let's take not a hypothetical case,</p> <p>8 let's just take one of the cases, typically in one of</p> <p>9 your talc cases you will receive materials from</p> <p>10 counsel as you prepare your opinions in that case,</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. That could include medical records,</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. It can include expert reports both from</p> <p>17 the plaintiffs' side and from the defense side,</p> <p>18 correct?</p> <p>19 A. Occasionally, not always. I rarely get</p> <p>20 defense reports.</p> <p>21 Q. It can include the plaintiff's</p> <p>22 depositions?</p> <p>23 A. It always includes the plaintiff</p> <p>24 depositions if they're alive.</p> <p>25 Q. And any family member that may be</p>	<p style="text-align: right;">Page 60</p> <p>1 Let me finish my question before you say you won't</p> <p>2 comment.</p> <p>3 A. Okay.</p> <p>4 Q. Thank you. Hypothetically if one of the</p> <p>5 33 cases went to trial, I'm not saying they did or</p> <p>6 they didn't, would you have reviewed your trial</p> <p>7 testimony in that case?</p> <p>8 MS. LONG: Objection to form.</p> <p>9 A. In general I never look at my trial</p> <p>10 testimony once I've uttered the words unless I'm</p> <p>11 asked a question about it in a subsequent trial where</p> <p>12 I'm impeached on my prior trial testimony. I did not</p> <p>13 include any of my personal testimony in consideration</p> <p>14 for any cases in this.</p> <p>15 Q. In reviewing potential other exposures</p> <p>16 apart from cosmetic talc to asbestos, would you have</p> <p>17 reviewed testimony at trial of other witnesses if it</p> <p>18 existed?</p> <p>19 MS. LONG: Objection form.</p> <p>20 A. I would not have reviewed other</p> <p>21 testimony at trial. I don't believe I'm allowed to</p> <p>22 do that, certainly not before I testify.</p> <p>23 Q. I'm talking about, and it does depend on</p> <p>24 the jurisdiction, but I'm talking about in connection</p> <p>25 with this report, with this article.</p>
<p style="text-align: right;">Page 59</p> <p>1 talking about exposure information, correct?</p> <p>2 A. Or other individuals that may have</p> <p>3 information like a very close friend.</p> <p>4 Q. Or a co-workers, for example, correct?</p> <p>5 A. In general, yes.</p> <p>6 Q. In some jurisdictions you will issue a</p> <p>7 written report, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And then you are usually deposed,</p> <p>10 correct?</p> <p>11 A. In some jurisdictions thankfully I'm</p> <p>12 not. So I would not be deposed in certain</p> <p>13 jurisdictions, other jurisdictions, unfortunately,</p> <p>14 I'm deposed, which makes you happy because you get to</p> <p>15 sit in this airless room.</p> <p>16 Q. This does not make me happy.</p> <p>17 A. With a lovely court reporter who is</p> <p>18 among the best.</p> <p>19 Q. Is it fair that some of these 33 cases</p> <p>20 ultimately went to trial?</p> <p>21 A. Do not know, will not comment.</p> <p>22 Q. Well, are you saying that --</p> <p>23 A. I will not comment on any specific case</p> <p>24 included in the paper.</p> <p>25 Q. I'm not asking about a specific case.</p>	<p style="text-align: right;">Page 61</p> <p>1 A. With respect to this article I did not</p> <p>2 look at any trial testimony, it was only based on the</p> <p>3 initial information provided to me in order to keep</p> <p>4 it as uniform as possible.</p> <p>5 Q. To the extent that you had given a</p> <p>6 deposition or depositions in connection with one of</p> <p>7 the 33 cases, would you have reviewed that as you</p> <p>8 were assessing for this article whether that</p> <p>9 particular case had other potential sources of</p> <p>10 asbestos exposure?</p> <p>11 A. I did not review any of the transcripts</p> <p>12 of my personal depositions in the generation of this</p> <p>13 article.</p> <p>14 Q. If we go to Case Histories under</p> <p>15 Materials and Methods, it talks about there in the</p> <p>16 middle of that first paragraph, "exposure data was</p> <p>17 obtained from sworn testimony by the cases, which</p> <p>18 included extensive questioning regarding all sources</p> <p>19 of asbestos exposure." Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. In connection with this article, did you</p> <p>22 review any exposure data apart from sworn testimony</p> <p>23 of the individual and the family member?</p> <p>24 A. Only if it had been provided to me, but</p> <p>25 in all likelihood it would have included alternate</p>

<p style="text-align: right;">Page 62</p> <p>1 exposures that would not have led to them being 2 included in this particular manuscript. 3 But if it had been present, for example, 4 if I had been provided with evidence that an 5 individual had asbestos exposure from sampling done 6 in their home that showed that there was asbestos 7 from construction materials and they described home 8 renovations, then that would have been considered and 9 I would have included that individual. 10 Q. I do apologize, but in there did you 11 talk about it coming out in testimony? One of the 12 questions I have of you is, did you review in 13 connection with this article and these 33 patients 14 anything apart from the testimony that's identified 15 here and medical records? 16 MS. LONG: Objection, asked and 17 answered. 18 A. Again, what I reviewed is included. If 19 there was additional information provided then I 20 would have reviewed it. Again, chances are if there 21 was additional information provided, they would not 22 be included in the paper because that would have 23 prevented them from not having any other source of 24 exposure. For the cases included in this paper, they 25 would not have had an alternative exposure for which</p>	<p style="text-align: right;">Page 64</p> <p>1 That was based in fact, not on hypothesis or 2 conjecture. 3 Q. I appreciate all that, but how would you 4 have been able to assess whether those other 5 potential exposures were, as you say, hypothetical or 6 legitimate if it was raised for the first time at 7 your deposition and you didn't review your deposition 8 transcript in connection with the writing of this 9 article? 10 MS. LONG: Objection to form. 11 A. Again, I don't recall that this happened 12 with respect to any of these cases and I don't recall 13 that I was presented with hard evidence of exposure. 14 I've been presented with some really 15 creative potential exposures just because someone 16 lived in an area with no air sampling, with no proof 17 that what was claimed actually transpired in 18 manufacturing plants and that was claimed as an 19 alternate exposure that had no basis in fact and I 20 would not have included because there was no 21 information. I'm just speaking hypothetically. We 22 were limited to the data we had in hand with respect 23 to what was described. 24 Q. Is it your testimony that as you sit 25 here today you can't recall a single time in cosmetic</p>
<p style="text-align: right;">Page 63</p> <p>1 exposure data was presented. 2 Q. If in evaluating potential asbestos 3 exposures in giving your opinions in a particular 4 case you did not identify a potential source of 5 asbestos exposure until you were asked about it at 6 your deposition, would that have been reviewed in 7 connection with this article? 8 MS. LONG: Objection to form. 9 A. It depends on the timing of when the 10 deposition might have been. If I was asked about a 11 exposure, the question is, was it a real exposure or 12 was it a hypothetical exposure that might not have 13 had any basis in provable fact that I am often 14 confronted with in depositions. 15 So if I had any question whether there 16 was exposure to an alternate source at the time I was 17 writing this paper, I would have excluded them. I 18 don't recall that that occurred in any of these 19 33 cases, but if it did, on further consideration I 20 would have substituted in another individual for whom 21 there was no additional exposure. 22 I honestly don't recall that happening, 23 but that's what I would have done. My scientific 24 reputation is on the line. This is to the best of my 25 understanding, the cases had no alternative exposure.</p>	<p style="text-align: right;">Page 65</p> <p>1 talc litigation where you found out for the first 2 time at your deposition of a legitimate potential 3 asbestos exposure? 4 A. Legitimate? 5 Q. Legitimate. 6 A. Meaning there was air testing, air 7 sampling, air monitoring, there was proof that the 8 individual was there? I don't recall a specific 9 instance where I have seen specific I was in a plant, 10 my spouse was in a plant that I didn't know used 11 asbestos and they brought it home to me that was 12 real. 13 I have been provided with various 14 exposure scenarios based on someone living in a 15 community where -- that they live in a city that has 16 buildings and being asked if that was a risk factor 17 without any evidence that the individual had specific 18 exposure to asbestos and I'm supposed to assume just 19 because a person lived in a city that that provided 20 them with exposure to asbestos above what the 21 background might be. I don't recall if I've been 22 provided with credible information. 23 To circle back to your full question so 24 you won't say I'm not responsive, I don't recall 25 specifically. I've been in too many depositions</p>

<p style="text-align: right;">Page 66</p> <p>1 clearly. I don't recall specifically and certainly 2 not for these 33 cases where I've been provided with 3 credible, measurable asbestos exposure in a 4 deposition. 5 Q. In your article under that same 6 paragraph you talk about in the context of sources of 7 asbestos exposure residents -- 8 A. What page are you on? 9 Q. It's under Materials and Methods under 10 Case Histories. 11 A. There are page numbers at the bottom. 12 Q. I have an un-paginated copy because I 13 got it hot off the presses. 14 A. Page six. 15 Q. Page six. On page six under Case 16 Histories it talks about potential sources of 17 asbestos exposure, "residence in an area that might 18 have had asbestos industry leading to possible 19 environmental exposures." Did I read that correctly? 20 A. Yes. 21 Q. Is it your testimony that you would only 22 consider such exposures if there was what data 23 available? 24 MS. LONG: Objection to form. 25 A. If there's actual data available. I've</p>	<p style="text-align: right;">Page 68</p> <p>1 these results are not presented in this paper. 2 Why did you not, as part of your review 3 of these 33 cases and potential sources of asbestos 4 exposure, review any other tissue analysis that might 5 have been done in a particular case by an 6 investigator other than Dr. Gordon? 7 A. Because we felt it important to have the 8 same lab do all the analysis of the cases that we 9 presented in detail and other labs might have used 10 different tissue methodology or analysis, and for 11 consistency sake we chose the six cases, but there 12 might have been others, I don't recall, and I 13 certainly don't know who, if any, but it's possible 14 that there were tissue digestion done on some of the 15 other cases. 16 Q. As you sit here today, do you know 17 whether any of the 33 had tissue digestion done by 18 someone other than Dr. Gordon? 19 A. I can't answer that question with any 20 degree of certainty. It's possible, but we wanted to 21 make sure that we said that it's possible that there 22 might have been tissue analysis, I just was not 23 presenting a detail case report with any of that 24 information. 25 Q. One of the points that you emphasize in</p>
<p style="text-align: right;">Page 67</p> <p>1 had individuals, not included in this paper, who 2 describe asbestos on their front lawn or on their car 3 from a plant that was in their community. That would 4 be sufficient for me to say that the asbestos 5 industry led to a potential exposure to asbestos. 6 Q. A little bit further up it says, "all 7 cases were reviewed by an occupational physician with 8 experience evaluating exposure in thousands of 9 patients"; is that you? 10 A. Yes. 11 Q. Skipping around a little bit, but just 12 trying to stay on topic, on page 31, let me know when 13 you're there. 14 A. Yes. 15 Q. I'm looking at the asterisk under the 16 table that reads, "tissue analysis presented done by 17 author. Tissue analysis might have been done in some 18 cases by other investigator, these results are not 19 presented in this paper." Did I read that correctly? 20 A. Yes. 21 Q. The author, just for the record, that's 22 Dr. Gordon, correct? 23 A. Correct. 24 Q. It talks about tissue analysis might 25 have been done in some cases by other investigator,</p>	<p style="text-align: right;">Page 69</p> <p>1 the discussion is that amosite and crocidolite were 2 not found in any of these cases; is that accurate? 3 A. In the six cases, yes. 4 Q. The six cases. To the extent that there 5 was amosite or crocidolite found by an investigator 6 in tissue digestion other than Dr. Gordon, you would 7 not have reviewed that in connection with this 8 article, correct? 9 A. Correct. 10 Q. You talk about how your reputation as a 11 scientist is on the line with this paper, right? You 12 made that reference earlier. 13 A. Any time someone publishes you are 14 basing it to the best of your ability, which is why 15 we put paragraphs about limitations of a paper in 16 there because there are opportunities for us to 17 get -- there's always opportunities in any paper, 18 there's always limitations. I would not knowingly 19 put out anything that was not to the best of my 20 knowledge correct. 21 Q. In that vein, if in one of these 22 33 cases there was a tissue digestion done by 23 multiple analysts that identified crocidolite, as a 24 scientist writing this paper why would you ignore 25 that?</p>

<p style="text-align: right;">Page 70</p> <p>1 MS. LONG: Objection to form.</p> <p>2 A. That's assuming I had it available prior</p> <p>3 to writing up the cases and, again, I'm using</p> <p>4 Dr. Gordon's analysis.</p> <p>5 Q. When you say available to you, you</p> <p>6 certainly have access to other defendant expert</p> <p>7 reports or plaintiff expert reports in connection</p> <p>8 with the cases in which you're testifying, correct?</p> <p>9 A. At certain points during the litigation</p> <p>10 possibly.</p> <p>11 Q. Certainly if in connection with the</p> <p>12 Wiman case you want to look at a defense expert</p> <p>13 report submitted in the case, you're confident, I</p> <p>14 take it, that you can ask plaintiff's counsel and she</p> <p>15 would give it to you, right?</p> <p>16 A. I'm sure she would.</p> <p>17 Q. So in trying to reach your scientific</p> <p>18 conclusions, why, as a scientist, did you not look at</p> <p>19 data that bore directly on the questions presented by</p> <p>20 your article?</p> <p>21 MS. LONG: Objection to form.</p> <p>22 A. Again, if you're speaking about a tissue</p> <p>23 digestion then that would have been under</p> <p>24 Dr. Gordon's realm and I would have expected that he</p> <p>25 would have looked at whatever data were available</p>	<p style="text-align: right;">Page 72</p> <p>1 a particular case that was one of these 33, would you</p> <p>2 also have reviewed that and any materials cited in</p> <p>3 that report?</p> <p>4 A. If they existed; I don't recall that</p> <p>5 they did.</p> <p>6 Q. I'm not saying that there is one.</p> <p>7 A. I don't think there was. It's certainly</p> <p>8 not in the generation of the 33.</p> <p>9 Q. As you noted, there are some cases in</p> <p>10 which you don't or didn't provide a written report,</p> <p>11 how in preparing this article would you have</p> <p>12 identified the materials to review?</p> <p>13 A. I think there was only one case that I</p> <p>14 had not provided a report in and the other one would</p> <p>15 have been going through notes.</p> <p>16 Q. So the one where you didn't provide a</p> <p>17 report, you would have gone through notes similar to</p> <p>18 what you have done for Ms. Wiman in this case?</p> <p>19 A. Correct.</p> <p>20 Q. For the other 32, in assessing potential</p> <p>21 alternative asbestos exposures you would have</p> <p>22 reviewed your report and anything referenced in that</p> <p>23 report, correct?</p> <p>24 A. Correct.</p> <p>25 Q. Would you have reviewed anything else?</p>
<p style="text-align: right;">Page 71</p> <p>1 with respect to tissue digestion. I don't recall the</p> <p>2 specific -- I don't know what case you're speaking</p> <p>3 about.</p> <p>4 Q. I can show you.</p> <p>5 A. Well, I'm not going to discuss whether</p> <p>6 that person is included in the paper or not.</p> <p>7 Q. Okay.</p> <p>8 A. But was that something that Dr. Gordon</p> <p>9 found and that would be a question you can ask</p> <p>10 Dr. Gordon, why might someone have found something</p> <p>11 that he didn't, but we were basing it on the initial</p> <p>12 tissue digestion or the only tissue digestions that</p> <p>13 we were aware of at the time that these cases were</p> <p>14 written up, which was in 2018.</p> <p>15 Q. Talk more about your process of</p> <p>16 evaluating the potential other asbestos sources. If</p> <p>17 it was a jurisdiction in which you had authored a</p> <p>18 written report, would you have reviewed that in</p> <p>19 connection with this paper?</p> <p>20 A. Yes.</p> <p>21 Q. In those cases where you had authored a</p> <p>22 written report, what else would you have reviewed?</p> <p>23 A. The materials leading up to the</p> <p>24 generation of that report.</p> <p>25 Q. If you authored a supplemental report in</p>	<p style="text-align: right;">Page 73</p> <p>1 A. Whatever materials were referenced in</p> <p>2 the report is what I have reviewed.</p> <p>3 Q. That was part of my question. Apart</p> <p>4 from the report and any materials referenced in the</p> <p>5 report, would you have reviewed anything else with</p> <p>6 respect to those 32 cases?</p> <p>7 A. Not that I can think of. Certainly not</p> <p>8 at the time that we wrote the manuscript.</p> <p>9 Q. So if there was an alternative source of</p> <p>10 exposure that was raised with you after you issued</p> <p>11 your report in those 32 cases, whether it be a</p> <p>12 deposition or a trial or otherwise, you would not</p> <p>13 have considered that in connection with this article,</p> <p>14 correct?</p> <p>15 MS. LONG: Objection to form.</p> <p>16 A. The cases were written when the cases</p> <p>17 were written. They were written fairly early on. I</p> <p>18 did not go back and revise it based on any further</p> <p>19 activities that might have transpired in a deposition</p> <p>20 or in a trial. I will not comment on any further</p> <p>21 cases that might or might not be included in the</p> <p>22 paper.</p> <p>23 Q. I understand that maybe you find out --</p> <p>24 you write the case report description and then you</p> <p>25 find out some new stuff afterwards, but what I'm</p>

<p style="text-align: right;">Page 74</p> <p>1 talking about is a situation in which you are deposed 2 in a particular case, an alternative exposure to 3 asbestos is identified to you for the first time in 4 that deposition, if that deposition occurred before 5 you started writing this article, you would not have 6 considered the alternative exposure in this article, 7 correct?</p> <p>8 MS. LONG: I'm going to object to the 9 form. I just want to make sure we're speaking now in 10 hypothetical terms because the more that you lay out 11 specific situations and represent that maybe that's 12 the way things went, I think by asking Dr. Moline to 13 comment on them, then it becomes difficult for her to 14 maintain the anonymity of the subject.</p> <p>15 Again, just to make sure that's in a -- 16 if that were to happen and if hypothetically this was 17 the situation I think, Dr. Moline, you can answer to 18 the extent you understand the question.</p> <p>19 A. The cases were written up at the 20 beginning of the first thing that we did, which was 21 to pick six cases for which there is a longer case -- 22 were done -- that was done -- that was the easy part 23 for me because I'm writing up a clinical case, and 24 that was done at the beginning of when we embarked on 25 this endeavor, and they were not revised based on any</p>	<p style="text-align: right;">Page 76</p> <p>1 Do you recall talking about that?</p> <p>2 A. I think I was talking about it in your 3 hypothetical, what might be presented to me in a 4 deposition based not on fact but on conjecture with 5 no information that the exposures were above 6 background, correct.</p> <p>7 Q. My question is, in the article it talks 8 about just whether or not there were other potential 9 asbestos exposures and doesn't mention whether or not 10 they are above background, correct?</p> <p>11 A. I don't use that terminology in the 12 paper.</p> <p>13 Q. Okay. So my question then is, in 14 assessing whether there were other potential asbestos 15 exposures, did you look for any potential alternative 16 asbestos exposures or only ones you determined would 17 be above background?</p> <p>18 MS. LONG: Objection to form.</p> <p>19 A. I looked at the information that was 20 provided to me based on the questioning which was 21 more extensive than one would typically get from a 22 standard questionnaire in general from these cases. 23 So I took any exposures that were 24 assessed whether it be eight brake changes that they 25 accompanied their spouse with. I would have not</p>
<p style="text-align: right;">Page 75</p> <p>1 additional information apart from what was done to 2 make it consistent with all of the articles.</p> <p>3 When are we going to stop because we've 4 been going for an hour and a half?</p> <p>5 MS. LONG: Do you want to do a lunch 6 break now?</p> <p>7 MR. EWALD: Sure. (A recess was taken.) 9 (Time noted: 12:40 p.m.)</p> <p>10 *****</p> <p>11 AFTERNOON SESSION</p> <p>12 *****</p> <p>13 (Time noted: 1:15 p.m.)</p> <p>14 CONTINUED EXAMINATION</p> <p>15 BY MR. EWALD:</p> <p>16 Q. Doctor, do you agree that the only 17 potential asbestos exposures you considered in 18 connection with your article are those referenced in 19 your expert reports or your case notes for each 20 individual case?</p> <p>21 A. Yes.</p> <p>22 Q. At some point in our back and forth, in 23 our discussion before lunch, at some point in time 24 you were talking about whether or not the potential 25 asbestos exposures were exposures above background.</p>	<p style="text-align: right;">Page 77</p> <p>1 tried to quantify that exposure, but I would have 2 excluded that individual from the report because 3 there was a potential exposure.</p> <p>4 Q. If I'm hearing you correctly, if during 5 your review of the materials you reviewed in 6 connection with this article, if you identified a 7 potential source of asbestos exposure that one of the 8 33 patients suffered -- one of the patients was 9 exposed to, that you would have removed that patient 10 from the case series regardless of whether or not 11 that exposure to asbestos was above background?</p> <p>12 A. I wasn't assessing in my analysis if 13 there was any suggestion that someone had an 14 additional exposure based on their deposition 15 transcripts or other information provided to me, I 16 did not include them in the 33 based on the 17 information I had at the time I wrote the paper.</p> <p>18 Q. You talked about how every scientific 19 article has limitations, right?</p> <p>20 A. Yes.</p> <p>21 Q. In your paper, specifically on page 21 22 and 22, you discuss the limitations in which the case 23 series should be understood, correct?</p> <p>24 A. Correct.</p> <p>25 Q. In that discussion of the paper's</p>

<p style="text-align: right;">Page 78</p> <p>1 limitations, you do not discuss as one limitation the 2 possibility of other tissue digestions for the 33 3 patients that were not considered in this article, 4 correct? 5 A. I did not specifically mention that in 6 the limitations, that is correct. 7 Q. I'm almost certain I know how you're 8 going to answer, but I'm just going to make my record 9 and then we can move along and deal with it later. 10 It's my intent, if counsel permits it on 11 plaintiffs and if Dr. Moline answers, to show 12 Dr. Moline expert reports that she has previously 13 authored and use those expert reports to match up the 14 identities of some or all of the 33 cases that are 15 identified in the article. 16 My question to I guess you is, if I 17 proceed with that, will you answer my questions? 18 A. I will not. 19 MR. EWALD: Counsel, do you I guess -- 20 MS. LONG: Am I following the witness' 21 advice? 22 MR. EWALD: Yes. 23 MS. LONG: Yes. Dr. Moline has a right 24 not to testify about information protected by HIPAA 25 and by restrictions put in place by her internal</p>	<p style="text-align: right;">Page 80</p> <p>1 part of your clinical practice that has mesothelioma, 2 you typically take an extensive exposure history, 3 right? 4 A. Correct. 5 Q. You previously testified that taking a 6 proper exposure history is a crucial element of the 7 work that occupational medicine doctors do, right? 8 A. Correct. 9 Q. For the 33 cases discussed in your 10 article, how many, if any, did you personally take an 11 asbestos exposure history of the patient for 12 rendering the opinion that their mesothelioma was 13 caused by talcum powder? 14 A. I don't recall how many. 15 Q. As you sit here today do you recall any? 16 A. I know there were some, but I can't 17 recall and I will not comment further. 18 Q. On page seven before you get into the 19 case descriptions of the six, you talk about how 20 these six case reports are presented in greater 21 detail; their clinical course was similar to all 33 22 cases evaluated and the same rigor with respect to 23 obtaining information related to any asbestos 24 exposure as applied to all 33 cases. 25 Did I read that correctly?</p>
<p style="text-align: right;">Page 79</p> <p>1 review board, and certainly she's made her position 2 clear on where she feels comfortable testifying about 3 the article and where she doesn't. 4 I agree that matching up the reports to 5 specific people in the article would go further than 6 she feels is correct under the privileges and 7 protections that she cited, so I'm not going to 8 instruct her to answer contrary to her ethics and 9 guidelines on that. 10 MR. EWALD: I appreciate that, Counsel. 11 Just for the record I will note that we disagree with 12 that position and that we will take it up later, but 13 certainly reserve our rights to ask those questions 14 if the Court permits or we otherwise reach some other 15 agreement. Thank you both for that. 16 Q. As part of your clinical practice you 17 ordinarily take an extensive exposure history when 18 dealing with a patient that has mesothelioma, 19 correct? 20 A. Is that presupposing that I don't take 21 an extensive exposure history when a patient doesn't 22 present with mesothelioma? 23 Q. That is not at all what I'm saying. I'm 24 not trying to get every negative out there. I'm just 25 trying to say when you have a patient come to you as</p>	<p style="text-align: right;">Page 81</p> <p>1 A. Yes. 2 Q. How are you able to make a 3 determination, comparative determination as to the 4 rigor by which asbestos exposure information was 5 obtained across the 33 cases? 6 A. It was referring to the same rigor that 7 I used, meaning that the same methodology used in the 8 six cases was used to evaluate the other 27. 9 Q. Why you can't or won't or both tell me 10 how many of the 33 patients you personally did 11 exposure history of, you would agree with me that 12 there are many of the 33 in which you did not conduct 13 any exposure history, correct? 14 MS. LONG: Objection to form. 15 A. First of all, I honestly don't remember 16 how many, so I don't appreciate the can't or won't. 17 I honestly have no recollection of how many of them I 18 did. 19 Q. To be clear on that, I was saying the 20 can't because you also say that somehow gets into the 21 privacy concerns. That's all I was referring to. 22 I'm not suggesting that you are withholding 23 information. 24 A. I'm not trying to deceive you. I have 25 no recollection.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. I was not suggesting otherwise.</p> <p>2 A. Can I please have the question again.</p> <p>3 Q. It's your recollection that at least,</p> <p>4 we'll say at least one, I'm not saying there was one,</p> <p>5 but at least one of the 33 you have a recollection of</p> <p>6 personally taking an asbestos exposure history of</p> <p>7 that patient, right?</p> <p>8 A. It's potential.</p> <p>9 Q. Let's say as you sit here today, do you</p> <p>10 remember any of it that you know you took exposure</p> <p>11 history of those 33?</p> <p>12 A. Yes.</p> <p>13 Q. Conversely, there are at least some</p> <p>14 patients where you did not personally take an</p> <p>15 exposure history of that are discussed in this</p> <p>16 article, correct?</p> <p>17 A. Yes.</p> <p>18 Q. In those circumstances where you did not</p> <p>19 personally take the exposure history, who are you</p> <p>20 relying on to obtain that exposure history?</p> <p>21 A. I think it's spelled out either two or</p> <p>22 three times in the article that the information was</p> <p>23 obtained through deposition transcripts of the</p> <p>24 individual, the family members or anyone who had</p> <p>25 personal knowledge of the individual using the talcum</p>	<p style="text-align: right;">Page 84</p> <p>1 me.</p> <p>2 Q. Understood. My question is, you</p> <p>3 testified today and previously that one of the major</p> <p>4 specialties that you bring to the table as an</p> <p>5 occupational medicine doctor is your knowledge of</p> <p>6 these potential asbestos exposures, correct?</p> <p>7 A. Particularly in a case where there's no</p> <p>8 identifiable source, yes.</p> <p>9 Q. Presumably you're not aware of any of</p> <p>10 the lawyers that questioned the patients or their</p> <p>11 family members in connection with this article, the</p> <p>12 33 plaintiffs, have any training as an occupational</p> <p>13 medicine doctor, correct?</p> <p>14 A. Presumably not.</p> <p>15 Q. So when you're talking about the rigor</p> <p>16 with which the questioning of these 33 cases for a</p> <p>17 potential alternative exposures, you're relying on</p> <p>18 lawyers for that rigor, correct?</p> <p>19 A. The term rigor was used with respect to</p> <p>20 my evaluation of the cases was the same for all 33.</p> <p>21 That's where I use the term rigor as we discussed</p> <p>22 earlier today. With respect to the questioning, it's</p> <p>23 dependent on the questions and answers asked of the</p> <p>24 individual or their family members, that is correct.</p> <p>25 Q. Let's talk a little bit about the</p>
<p style="text-align: right;">Page 83</p> <p>1 powder.</p> <p>2 Q. So the questioning in that circumstance</p> <p>3 where you did not personally conduct exposure history</p> <p>4 would have been done by lawyers, correct?</p> <p>5 A. Correct.</p> <p>6 Q. You talk about how in the article that</p> <p>7 even some med students don't know how to take proper</p> <p>8 occupational exposure histories, correct?</p> <p>9 A. I don't know if I said that med</p> <p>10 students. I discussed that there's very little</p> <p>11 discussion in the medical school curriculum in</p> <p>12 general about occupational histories. I don't recall</p> <p>13 that I said med students don't know how to take</p> <p>14 occupational histories.</p> <p>15 Q. Do you have any knowledge as to the</p> <p>16 medical training of any of the lawyers that</p> <p>17 questioned the patients or their family members or</p> <p>18 people with relevant knowledge at deposition in the</p> <p>19 33 cases that you rely on?</p> <p>20 A. It's not really medical knowledge that's</p> <p>21 important for an exposure history per se. I'm not</p> <p>22 familiar with the educational background of the</p> <p>23 various questioners. I was more evaluating the</p> <p>24 questions and answers to see how comprehensive they</p> <p>25 were and using the information that was available to</p>	<p style="text-align: right;">Page 85</p> <p>1 discussion of control samples on page 17. There's a</p> <p>2 paragraph on page 17 under control samples right</p> <p>3 before the Results section, was this paragraph</p> <p>4 drafted by Dr. Gordon?</p> <p>5 A. It was drafted by Dr. Gordon and then I</p> <p>6 and Ms. Bevilacqua did some wordsmithing, but this</p> <p>7 was based on Dr. Gordon's controls and this is his</p> <p>8 data.</p> <p>9 Q. In connection with the drafting of this</p> <p>10 article, did you discuss with Dr. Gordon details</p> <p>11 regarding his control set?</p> <p>12 A. I had been aware of his control set well</p> <p>13 before this paper. From conversations he had</p> <p>14 discussed wanting to include the control samples in</p> <p>15 the paper as a way of -- because there had been a</p> <p>16 dearth of control samples in the medical literature</p> <p>17 and including that in this paper.</p> <p>18 Q. Do you have an understanding as to</p> <p>19 whether Dr. Gordon modified his control sample</p> <p>20 universe in connection with this article than what</p> <p>21 had previously been published about it?</p> <p>22 A. My understanding -- this is a question</p> <p>23 for Dr. Gordon.</p> <p>24 Q. I'm asking your understanding.</p> <p>25 A. My understanding is that these control</p>

<p style="text-align: right;">Page 86</p> <p>1 samples predated any discussion of certainly this 2 paper and, in fact, I'm aware that they predated any 3 discussion and actually probably predated any 4 consideration of talc. 5 Q. I understand that -- I'm going to hold 6 you to your understanding of what the situation is, 7 but we'll ask Dr. Gordon the particulars. 8 In that paragraph it states that 9 "exposure histories had been obtained by treating 10 pulmonologists or surgeons from all individuals; all 11 were screened for asbestos exposure for personal use, 12 family exposure, and personal or family use of talcum 13 powder." 14 Is it your understanding that the 15 control group was asked about personal or family use 16 of talcum powder? 17 A. Based on Dr. Gordon's -- this is from 18 Dr. Gordon. 19 Q. I'm asking you. 20 A. I don't know other than what Dr. Gordon 21 contributed to the article and what he wrote. I know 22 that he was explicit in including that in this 23 section. Dr. Gordon has written about talcum powder 24 in the past, about 20 years ago he published, and it 25 may be related to that, but these are questions that</p>	<p style="text-align: right;">Page 88</p> <p>1 investigation that is described in that paragraph of 2 potential asbestos exposures was more extensive than 3 you did with the 33, fair? 4 MS. LONG: Objection to form. 5 A. With respect to the people as they were 6 collecting their tissue, they would have spoken to 7 the treating doctor, so yes, in most cases I did not 8 speak to the treating doctor. 9 Q. In any cases did you speak to the 10 treating doctor? 11 A. It's possible, but not that I 12 specifically recall. 13 Q. On page 21, in talking about, again, the 14 limitations of the article, it talks about how the 15 depositions were thorough and included both 16 exhaustive questioning about alternative sources of 17 asbestos exposure. 18 On what basis do you and your co-authors 19 conclude that the depositions included, quote, 20 exhaustive questioning about alternative sources of 21 asbestos exposure? 22 A. I read the depositions in these cases 23 where people are asked questions over and over again. 24 It's my description of the depositions and the 25 questioning that took place.</p>
<p style="text-align: right;">Page 87</p> <p>1 I don't have any further information beyond what is 2 in the text regarding Dr. Gordon's control samples. 3 Q. I'm entitled and so I wanted to know 4 what your level of understanding is, so I'm not going 5 to go beyond that, but if it turns out that some or 6 all of the control group were not questioned about 7 their use of talcum powder, does that, in your view, 8 limit the usefulness of this control sample? 9 MS. LONG: Objection to form. 10 A. I think his control population was to 11 talk about a general control population of 12 individuals who had no known exposure to asbestos, so 13 if they did have exposure to talcum powder, then that 14 would not be a full control group. 15 Q. Then it goes on to say that, "for those 16 patients in whom there was any question of asbestos 17 exposure, from any source, the pathologists conferred 18 with the treating clinician to make ensure there was 19 no known asbestos exposure." 20 Did I read that correctly? 21 A. You did. 22 Q. That is your understanding of what 23 happened with respect to the control population? 24 A. From Dr. Gordon, yes, that's correct. 25 Q. Based on your testimony today, the</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. But you're not in a position to make an 2 assessment that all potential sources of asbestos 3 exposure were, in fact, discussed at the patient's 4 depositions, correct? 5 MS. LONG: Objection to form. 6 A. You're asking me a hypothetical. That's 7 unknowable. They asked as many as were in these 8 categories. 9 Q. I take it also that Dr. Gordon was the 10 person responsible for creating table three on page 11 33? 12 A. It was a collaboration. We worked on it 13 to just make it more presentable, but the data are 14 all directly from Dr. Gordon. We just worked on it 15 together to make it so it was a more concise table. 16 Q. Do you know what protocol Dr. Gordon 17 used in connection with his analysis of the control 18 population? 19 A. Only what's described in the paper. 20 Again, this is Dr. Gordon's section of the paper. 21 Q. I appreciate that. I'm asking what you 22 independently know. 23 A. He described his protocols. 24 Q. I guess my question to you, and I 25 appreciate that, is I interpreted his discussion of</p>

<p style="text-align: right;">Page 90</p> <p>1 the tissue sample analysis to be his protocol for the 2 six analyses here. I didn't necessarily interpret 3 that as the same protocol used for the control group. 4 Do you have an you understanding one way 5 or the other on that? 6 A. No. My assumption was that they were 7 the same, but that would be a question you would have 8 to pose to him. 9 Q. Understood. Before you leave page 33 10 there is that note A, "all fibers that were counted 11 were always one micrometer or less in length." 12 Did I read that correctly? 13 A. Where are you? 14 Q. Page 33. "All fibers that were counted 15 were always one micrometer or less in length." 16 Did I read that correctly? 17 A. Yes. 18 Q. Again, I'm going to ask Dr. Gordon, but 19 I want to know what your understanding is, is that 20 consistent with your understanding of what was 21 counted with respect to the control population? 22 A. Yes, that's what he described, wrote in 23 his tables. That's based on Dr. Gordon. 24 Q. Do you have an understanding that in the 25 tissue digestions for the six at issue in your</p>	<p style="text-align: right;">Page 92</p> <p>1 with no history of asbestos exposure, correct? 2 A. Yes. 3 Q. In the paper you also talk about how 4 there were findings of chrysotile amongst the six 5 patients we discussed, correct? 6 A. Yes. 7 Q. You also, I believe, state that that is 8 consistent with exposure to talc products, correct? 9 A. Yes, chrysotile has been found in 10 various talc products. 11 Q. Are you, as part of the article, 12 concluding that any chrysotile found in the six 13 patients' tissue analyses was from talc? 14 MS. LONG: Objection to form. 15 A. Well, I think it was only found in one 16 of the individuals that we reported in the paper. 17 It's consistent with their history of exposure to 18 talc and that's all we can say from that. 19 Q. Would it also be, in your opinion, 20 consistent with exposure to background levels of 21 chrysotile, correct? 22 MS. LONG: Objection to form. 23 A. Potentially, except I've never heard of 24 fibrous in platy talc also being present in 25 background ambient general air, which was also found</p>
<p style="text-align: right;">Page 91</p> <p>1 article, whether or not Dr. Gordon counted everything 2 five micrometers or more in his analysis? 3 A. He in his methods described that they 4 were more than five micrometers. 5 Q. So based on what Dr. Gordon describes as 6 the method for the six tissue digestions at issue in 7 the paper, Dr. Gordon would not have counted any 8 fibers that were one micrometer or less in length, 9 correct? 10 A. In these six patients, no. 11 Q. In looking at the control group, still 12 on table three at the end, do you agree with me that 13 chrysotile is the most common type of asbestos that 14 was identified in the lung tissue or in the tissue 15 burdens of the control population? 16 A. In this table, yes. 17 Q. Is that consistent with your 18 understanding of chrysotile and its use and its 19 presence in the background? 20 MS. LONG: Objection to form. 21 A. It's consistent with my understanding of 22 the fact that 95 percent of commercial asbestos in 23 the United States is chrysotile. 24 Q. So from that you would expect to find 25 chrysotile in this control population of individuals</p>	<p style="text-align: right;">Page 93</p> <p>1 when they did the same evaluation of the tissue. 2 Q. Then are you suggesting that the 3 presence of talc found in the tissue analyses means 4 that the chrysotile that's also found must have come 5 from the talc? 6 A. No, you're conflating two sentences. 7 I'm just saying they also found talc and I'm unaware 8 of talc being in the general background, fibrous talc 9 being in the general background. 10 Q. If I wanted to look for the ultimate 11 conclusion of this paper, is that the final sentence 12 on page 22? 13 Just for the record it states, "this 14 paper provides evidence that mesothelioma cases once 15 considered idiopathic may be attributable to 16 asbestos-contaminated cosmetic talcum powder usage 17 and that the elicitation of a history of such usage 18 is imperative to obtaining a full exposure history in 19 all patients presenting with mesothelioma." 20 MS. LONG: Objection to form. 21 A. Yes. 22 Q. You would agree that this paper does not 23 conclude that cosmetic talcum powder causes 24 mesothelioma? 25 A. I think we're very careful to say that</p>

<p style="text-align: right;">Page 94</p> <p>1 based on the study design it provides evidence that 2 it can cause, but because it's a case series, 3 although case series do have greater value in 4 evaluating a rare disease such as mesothelioma that 5 is associated with an exposure, that we were very 6 careful in our wording. 7 Q. If you would go to page 18, the last 8 sentence before Discussion. It's one of the I 9 thought maybe a double negative. Can you state for 10 the record what you understand this sentence is 11 supposed to read, how it's supposed to read? 12 A. What are you referring to? 13 Q. "No aluminum silicates, aluminum 14 magnesium silicates and silica crystals, all 15 components of talcum powder identified in our 16 patients, were not found in the control population 17 that did not use talcum powder." 18 A. I believe it should say were found. 19 Q. FDA testing 2019. What have you 20 reviewed in connection with the 2019 testing on 21 behalf of FDA of Johnson's baby powder? 22 A. I've seen articles that have been 23 written about it. I believe I've seen the FDA 24 report, but I need to take a look at it. 25 (Whereupon, AMA Analytical Services,</p>	<p style="text-align: right;">Page 96</p> <p>1 sufficient latency period for the results of this 2 test to impact Ms. Wiman personally. 3 Q. To the extent that there's a discussion 4 of Chinese talc deposit in this case, generally how 5 does the FDA testing of Johnson's baby powder inform 6 your opinions with respect to whether or not there is 7 asbestos in Johnson & Johnson's Chinese talc deposit? 8 A. They're finding that there's asbestos in 9 the finished product. It's consistent with other 10 findings I've seen, asbestos being found in Chinese 11 sourced Johnson & Johnson baby powder. 12 Q. Are you aware of any previous findings 13 of chrysotile in the Johnson & Johnson Chinese talc 14 deposit? 15 A. The only testing that I recall seeing 16 was not testing for chrysotile because the 17 methodology used would not -- explicitly states that 18 they cannot analyze for chrysotile, so I have not 19 seen chrysotile specifically that I recall in the one 20 document that I'm thinking of. 21 Q. You see in the document I've shown you 22 that's been marked as Exhibit 8 under the mass 23 concentration of chrysotile, you would agree with me 24 the highest concentration by weight listed is 25 0.00002 percent?</p>
<p style="text-align: right;">Page 95</p> <p>1 Inc. Certificate of Analysis was received and marked 2 Moline Exhibit 8, for identification, as of this 3 date.) 4 Q. Dr. Moline, I'm showing you show you 5 what's been marked as Exhibit 8. 6 Have you seen this before? 7 A. Yes, I have seen it. 8 Q. I think it would be helpful if you can 9 just state your understanding based on what you've 10 reviewed of the status of the FDA's testing with 11 respect to Johnson's baby powder, what they found. 12 What was your understanding? 13 MS. LONG: Objection to form. 14 A. The FDA speaks for itself. I don't know 15 why you're asking me what the FDA said when they've 16 come out with statements and press leases. The FDA's 17 comments are the FDA's comments. 18 Q. I'll ask a question. How does the FDA's 19 comments that you reviewed inform your opinions in 20 this case? 21 A. I think this was from a bottle that 22 would be outside the time period of Ms. Wiman, it 23 would not have impacted Ms. Wiman's exposure because 24 she was not exposed to a bottle that was from this 25 vintage, meaning this time period, and there's not a</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Yes. 2 Q. Do you have an opinion as to whether or 3 not exposure to talc that contains 0.00002 percent by 4 weight chrysotile asbestos would be an above 5 background exposure? 6 MS. LONG: Objection to form. 7 A. I would need someone to convert it 8 into -- this is a bulk sample. I would need it to be 9 converted into a fiber per cc value in order for me 10 to make an appropriate assessment. 11 Q. As you sit here today, you don't have an 12 opinion one way or another about whether or not 13 exposure to talc that contained 0.00002 percent 14 chrysotile asbestos would result in above background 15 exposure? 16 A. Again, I would need the calculation 17 converted into a fiber per cc value to make that 18 statement. 19 MR. EWALD: Let's go ahead and mark this 20 as Exhibit 9. 21 (Whereupon, Johnson & Johnson press 22 release was received and marked Moline Exhibit 9, for 23 identification, as of this date.) 24 Q. There you go, Dr. Moline. Dr. Moline, 25 we marked as Exhibit 9. It is identified for the</p>

<p style="text-align: right;">Page 98</p> <p>1 record as a Johnson & Johnson press release dated 2 October 29, 2019, with a title 15 New Tests from the 3 Same Bottle of Johnson's Baby Powder Previously 4 Tested by FDA Find No Asbestos. 5 I'm going to ask you, Doctor, have you 6 seen this press release before? 7 A. I have not seen the entire press 8 release. I've seen an excerpt, but I have not seen 9 the entire press release. 10 Q. What do you recall in seeing the 11 previous excerpt that you read with respect to this 12 press release? 13 A. That Johnson & Johnson retested it and 14 they said through their testing labs they did not 15 find the asbestos. 16 Q. How does that, if at all, inform your 17 opinions with respect to whether or not Johnson & 18 Johnson Chinese talc has asbestos in it? 19 MS. LONG: So this statement, how does 20 that -- 21 MR. EWALD: Yes. 22 A. I took it at face value from the company 23 that has a vested interest in not finding anything, 24 that has a documented history on my reliance list of 25 misinforming results to federal agencies before.</p>	<p style="text-align: right;">Page 100</p> <p>1 done. 2 MS. LONG: In 2019? 3 MR. EWALD: Yes. 4 A. I had no knowledge that the FDA was 5 testing it. I had no knowledge that Johnson & 6 Johnson was going to retest it apart from what was 7 reported in the press. That's the extent of it. I 8 had no insider information, no one was feeding me 9 that this was being tested or retested or any other 10 information. I read it when everyone else did. 11 Q. Since you read it you haven't since 12 become privy to information that you did not hear 13 publically? 14 A. I didn't hear the last couple of words. 15 Q. That you did not hear publically. 16 A. I don't have any other information. 17 Q. Do you have any opinions based on your 18 review of the press release and any other expertise 19 as to the conclusion by RJ Lee that there was 20 contamination in some initial samples? 21 MS. LONG: Objection to form. 22 A. I don't think that that's included in 23 this press release. I have not seen RJ Lee's 24 testing. My understanding of RJ Lee is they've been 25 criticized by the EPA for their methodology.</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. What does that mean with respect to your 2 opinions? 3 A. I took it in saying they had it tested 4 and they didn't find anything. We have one lab 5 finding it and another lab that's paid by someone who 6 has a vested interest in not finding it not finding 7 it. I took it at face value. 8 Q. What does that mean in this context, 9 taking it at face value? 10 A. Just what I said. The company who has a 11 financial interest in not finding asbestos in their 12 powder didn't find asbestos in their powder. 13 Q. I won't argue with you about what face 14 value means in that context. 15 Do you have any knowledge about the FDA 16 testing of Johnson's baby powder and any subsequent 17 testing by Johnson & Johnson of that same bottle and 18 lot apart from what you've read publically? 19 MS. LONG: You're just talking about 20 this testing of the two last exhibits? 21 MR. EWALD: No, I'm asking more broadly. 22 Q. I'm trying to get an understanding of 23 the source of your knowledge about the FDA testing of 24 Johnson's baby powder in 2019 and any follow-up 25 testing that Johnson & Johnson and other labs have</p>	<p style="text-align: right;">Page 101</p> <p>1 MR. EWALD: Let's mark this as 2 Exhibit 10, please. 3 (Whereupon, Accepted copy of Exponent 4 manuscript was received and marked Moline Exhibit 10, 5 for identification, as of this date.) 6 Q. Dr. Moline, I'm handing you what's been 7 marked as Exhibit 10. Can I ask you, Doctor, if 8 you've seen this before? 9 A. Yes. 10 Q. What is it? 11 A. It's an accepted manuscript by Exponent 12 employees. 13 Q. Have you reviewed this article before? 14 A. I read parts of this article before. I 15 read through the article. I haven't critically 16 reviewed it. 17 Q. Based on what you have reviewed, how, if 18 at all, does it inform your opinions as to whether or 19 not Johnson & Johnson's Vermont talc can cause 20 mesothelioma? 21 A. My recollection is that they discuss 22 finding one mesothelioma at least and possibly a 23 second, which might be the mysterious talc man that 24 was referred to in the paper by Lamm. 25 My recollection was that there was</p>

<p style="text-align: right;">Page 102</p> <p>1 another mesothelioma in the miners and it was a 2 follow-up of a very small cohort, that was a very 3 small cohort when Sullivan started it, but they did 4 find one meso or two in this group. 5 Q. First let's deal with that last point 6 you mentioned. This is not numbered. It's about 7 16 pages in, at the top it says, "In the updated 8 cohort of Vermont workers." 9 A. Okay. 10 Q. If you look there in the next paragraph 11 it talks about the one death was attributed to 12 mesothelioma as noted on the death certificate for 13 this worker. "This worker was employed in the talc 14 industry for less than five years and death occurred 15 30 years following employment, leaving open the 16 possibility of exposure to asbestos in other 17 occupations or possible exposure to ionizing 18 radiation." Did I read that correctly? 19 A. Yes. 20 Q. It goes on to say, "the death 21 certificate explicitly mentioned exposure to 22 asbestos. This single death due to mesothelioma 23 occurred after 1975, after the end of follow-up in 24 the Selevan, et al. study." Selevan is 25 S-e-l-e-v-a-n.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. You have no knowledge with respect to 2 any prior potential exposure to asbestos separate 3 from any talc work at the Vermont mine? 4 A. Correct, if there was any. 5 Q. If there was. 6 A. There was? 7 Q. If there was. I was agreeing with you. 8 A. Okay. 9 Q. Would you agree with me that based on 10 the information provided in this article it is not 11 possible to conclude whether the single death due to 12 mesothelioma involves a talc worker that worked at 13 Johnson & Johnson Vermont talc mines? 14 A. Sorry, can you say that again? 15 Q. Sure. Would you agree with me that it 16 is not possible based on the information provided in 17 the Fordyce article about the single death due to 18 mesothelioma that occurred after 1975 to conclude 19 that that talc worker worked at the Vermont talc 20 mines used by Johnson & Johnson? 21 A. They described him as working in the 22 talc industry. I don't know what other talc 23 industries there were that he could have worked in, 24 but I have no way of -- they're very vague about it 25 for this particular individual so I have no</p>
<p style="text-align: right;">Page 103</p> <p>1 A. It's Selevan just so you know. 2 Q. "While Selevan, et al. 1979 did not 3 mention mesothelioma, Lamm and Starr in 1988 reported 4 there was one death from mesothelioma in the Vermont 5 cohort before 1975; however, no information was 6 provided regarding this worker so we are unable to 7 verify this claim or identify how this death was 8 coded in the present study." 9 Did I read that correctly? 10 A. Yes. 11 Q. Let me first ask you from the 12 perspective of this. You've previously given 13 opinions with respect to the Lamm article, correct? 14 A. Yes. 15 Q. Does the Fordyce 2019 article inform 16 your previously stated opinions with respect to the 17 Lamm article in any way? 18 A. No, they have no additional information, 19 so he remains the talc man. 20 Q. Do you have any information regarding 21 the single death due to mesothelioma occurring after 22 1975 reference in the article apart from what is 23 stated in the article itself? 24 A. No, I have no personal knowledge of the 25 death certificate of this individual.</p>	<p style="text-align: right;">Page 105</p> <p>1 additional information. 2 Q. If you look at the last paragraph before 3 the references, the conclusion paragraph, let me know 4 when you're there. It states, "In conclusion, this 5 study provides further evidence that excess deaths 6 among Vermont miners and millers are due largely to 7 excess mortality from non-malignant respiratory 8 disease; there is no evidence of increased risk of 9 respiratory cancer." Did I read that correctly? 10 A. You did. 11 Q. Do you agree with that conclusion? 12 A. Well, I think if you look at the first 13 sentence of the page, I think one of the limitations 14 of this study is pointed out about the fact that 15 there's concern that it lacked adequate statistical 16 power to detect an increase in rare diseases like 17 mesothelioma. I would say that before I would say 18 there's no evidence, I would make sure that that was 19 more evident because they have inadequate, as they 20 say, statistical power to make such a sweeping 21 characterization. 22 Q. Do you agree that the study does not 23 provide any evidence of increased risk of respiratory 24 cancer? 25 A. They do not have -- they have a very</p>

<p style="text-align: right;">Page 106</p> <p>1 close to statistically significant increase, it is 2 elevated, but it is not statistically significant. 3 If they were to be truly comprehensive they would say 4 there was an increase, although it did not reach 5 statistical significance. 6 Q. Just so I'm clear on what you mean by 7 that, could you just explain in a little bit more 8 detail what you mean by saying that it was not 9 statistically significant? 10 A. They report on all deaths, all causes of 11 death with an elevated standardized mortality ratio 12 of 133.4 that they say is statistically significant 13 because the confidence interval does not include 100. 14 The rates of cancers of the respiratory 15 system are 137.4 and of the bronchus, trachea and 16 lung are 143.9 with a confidence interval that 17 approaches 100 but does not make it so that it is 18 technically not statistically significant, but it is 19 close to statistically significant especially if you 20 were to look at, for example, the confidence interval 21 for cancer of the kidney, which is based on three 22 cases and has a very wide confidence interval, but 23 ranges from 36 to 500. This one ranges from 98.4 to 24 203, which is lot closer to 100, so while it does not 25 approach the statistically significant values, it is</p>	<p style="text-align: right;">Page 108</p> <p>1 Particles was received and marked Moline Exhibit 11, 2 for identification, as of this date.) 3 Q. Dr. Moline, I'm handing you what's been 4 marked as Exhibit 11. Have you seen this document 5 before? 6 A. I've seen it. 7 Q. Can you identify it for the record, 8 please? 9 MS. LONG: Do you have a copy for me? 10 MR. EWALD: Sure. I'm not sure I'm 11 going to ask any questions about it. 12 A. The article is Health Effects of 13 Censored Elongated Mineral Particles: A Critical 14 Review. The first author is Egilman. 15 Q. You said you have seen it before. Are 16 you relying on this article for your opinions in this 17 case? 18 A. I have this on the top of my reading 19 list, which is why I have seen it. It is literally 20 an article that I have in my possession. It's on my 21 to-do list for this week so I can't answer any 22 questions about the article. 23 Q. That's fair. My only statement on the 24 record is, to the extent that you do read it and you 25 intend to rely on it for your opinions in this case,</p>
<p style="text-align: right;">Page 107</p> <p>1 elevated and they do not mention that in their 2 conclusion. 3 Q. Have you consulted with any statistician 4 in connection with the findings of this article? 5 A. I have not. 6 Q. Have you been provided any information 7 from counsel by a statistician in connection with 8 this article? 9 MS. LONG: I'm going to -- it's fine. 10 A. I don't recall specifically related to 11 this article. It may have been in a report that I 12 read, but I don't recall if there was an analysis of 13 this article. I have seen other statistical analyses 14 of the Vermont talc cohort. I don't recall whether 15 it included an analysis of this article. To be 16 complete in my answer, I can't recall whether the 17 statistical report included this article. 18 Q. We've been going for a little more than 19 an hour. I'm finished with that line of questioning. 20 I have some sort of odds and ends I want to ask. Why 21 don't we take a quick break. Off the record. 22 (A recess was taken.) 23 MR. EWALD: Mark as Exhibit 11, please. 24 (Whereupon, copy of article entitled 25 Health Effects of Censored Elongated Mineral</p>	<p style="text-align: right;">Page 109</p> <p>1 that you tell counsel and we can discuss whether or 2 not an additional deposition will be necessary. 3 A. I'm happy to. 4 Q. Would you agree with me that you, when 5 testifying at trial in Simon Greenstone cases, use 6 more PowerPoint slides than when you testify in, 7 let's say, Levy Konigsberg cases? 8 A. I think that's a mischaracterization. 9 Q. Okay. 10 A. I think it depends on the lawyers' 11 preferences. For example, I believe in a case that I 12 testified for Levy Konigsberg recently with Ms. Long 13 it was a very limited PowerPoint which just provided 14 some background information. I think in the past 15 Simon Greenstone has asked that we prepare a more 16 comprehensive PowerPoint. 17 Q. That's fair. I didn't mean to be so 18 reductive in the question. I guess how does that 19 process typically work when you're testifying at 20 trial? Do you create the slides yourself? 21 A. Just like I don't touch my CV, I will go 22 over them with the lawyers the content to be included 23 and then I allow them to work with the program since 24 they are more facile than I. 25 Q. Maybe not the lawyer.</p>

<p style="text-align: right;">Page 110</p> <p>1 A. Or their paralegal or somebody who is 2 much better at PowerPoint presentations than me, but 3 there are a couple of standard background slides that 4 seem to be in circulation now. 5 Q. Just so the record is clear, when you 6 talked about your CV, the actual work of the document 7 was by your assistant, right? 8 A. I provide them the content, they just 9 type it. 10 Q. For your CV, an assistant, like the 11 assistant that you work with here in your job, 12 correct? 13 A. Correct. 14 Q. Then in the context of the slides, you 15 provide counsel with the content, is your testimony, 16 and then counsel or somebody working for counsel puts 17 together the slides? 18 A. We're often sitting together when it's 19 being done but yes. 20 MR. EWALD: Mark this as Exhibit 12, 21 please. 22 (Whereupon, copy of PowerPoint slide was 23 received and marked Moline Exhibit 12, for 24 identification, as of this date.) 25 Q. I'm going to mark one more thing and</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Correct. 2 Q. Why did you present to the jury in 3 Weirick the J&J adult and diapering estimate and then 4 not do so in the Weirick case? 5 A. You said Weirick twice. 6 Q. I knew it. Why did you present to the 7 jury in the Cabibi case the J&J adult and J&J 8 diapering estimate reflected on Exhibit 12 and not in 9 the Weirick case? 10 A. Because there has been overwhelmingly 11 conflicting testimony from the Johnson & Johnson 12 corporate representative with respect to what the 4.5 13 plus fibers per cc meant and whether it was fibers or 14 fibers per cc. 15 Based on information, he had previously 16 stated that it represented 4.5 fibers per cc and then 17 he changed his testimony in subsequent depositions. 18 So after I became aware of that I felt that it was 19 important to just leave it out because there is so 20 much uncertainty as to whether what that actual 21 testing reflected so I did not include that in 22 subsequent PowerPoints. 23 Q. So going forward, are you affirmatively 24 relying on the J&J, what's listed here as the J&J 25 adult and diapering estimates for the opinions that</p>
<p style="text-align: right;">Page 111</p> <p>1 we're going to talk briefly about it. Let's mark 2 this as Exhibit 13, please. 3 (Whereupon, copy of PowerPoint slide was 4 received and marked Moline Exhibit 13, for 5 identification, as of this date.) 6 Q. I'm showing you what's been marked as 7 Exhibit 13. For the record, I will represent that 8 Exhibit 12 was from slides that you presented in the 9 Cabibi, C-a-b-i-b-i, case. Exhibit 13 was from 10 slides you presented in the Weirick case. 11 Do these look like slides that you 12 previously presented? 13 A. Yes. 14 Q. On Exhibit 12 there's a listing for the 15 J&J adult estimate and the J&J diapering estimate. 16 Do you see that? 17 A. Yes. 18 Q. When you look at the slide in Weirick on 19 13 with the same title and some of the same figures, 20 the J&J adult estimate and the J&J diapering estimate 21 do not appear, correct? 22 A. Yes. 23 Q. The two additions to the chart on 24 Weirick relate to two MAS exposure studies, below the 25 waist and baby diapering, correct?</p>	<p style="text-align: right;">Page 113</p> <p>1 you're offering in this case? 2 MS. LONG: Objection to form. 3 A. Not until I think there's a straight 4 answer from the corporate representative. It doesn't 5 change depending on the wind, so I will not be 6 relying on that particular number. 7 Q. You can set that aside. 8 (Whereupon, a copy of PowerPoint slide 9 received and marked Moline Exhibit 14, for 10 identification, as of this date.) 11 Q. I'm showing you what has been marked as 12 Exhibit 14. We'll represent because I was there that 13 you used this slide in connection with your Weirick 14 testimony. Does that look familiar? 15 A. Yes. 16 Q. My question to you is when it said what 17 was known, you would agree that's in the passive 18 voice? 19 A. You know my son is taking grammar and 20 I'm not anymore, but, yes, I believe it is passive. 21 Q. It's ambiguous to me, the reader, about 22 who is being referred to here. So my question is, 23 when are you talking about what was known, who knows? 24 A. Well, it's not talking about who. It's 25 talking about what. Why does it have to say who?</p>

<p style="text-align: right;">Page 114</p> <p>1 And he's not on first. What's on second.</p> <p>2 Q. When you're offering opinions about what</p> <p>3 was known, are you offering an opinion that Johnson &</p> <p>4 Johnson should have known these things at these</p> <p>5 various points in time?</p> <p>6 MS. LONG: Objection to form.</p> <p>7 A. First of all, this might be used for</p> <p>8 non-Johnson & Johnson. It's basically talking about</p> <p>9 the health hazards of when there was an</p> <p>10 identification that asbestos was a health hazard and</p> <p>11 when there was an identification that asbestos may be</p> <p>12 found with talc and the health effects of talc.</p> <p>13 So it's basically just to give a</p> <p>14 reference point in terms of saying what was known in</p> <p>15 the '30s or what was known in the '40s and the '50s</p> <p>16 and '60s, and they stop in the '60s because there was</p> <p>17 an explosion of growth in the asbestos literature.</p> <p>18 Q. Are you talking about what was known in</p> <p>19 the scientific community?</p> <p>20 A. Yes, the scientific or medical</p> <p>21 community.</p> <p>22 Q. You gave testimony actually in the</p> <p>23 Weirick trial in sum and substance that asbestos can</p> <p>24 remain in the air for hours, if not days, before it</p> <p>25 settles; is that consistent with your opinions in</p>	<p style="text-align: right;">Page 116</p> <p>1 MR. EWALD: I'm going to pass the</p> <p>2 witness in a second while I look over my notes. I</p> <p>3 assume that counsel on the phone has at least a</p> <p>4 couple of questions, but before I do I just wanted to</p> <p>5 state on the record that I discussed with counsel off</p> <p>6 the record about the three binders that Dr. Moline</p> <p>7 brought with her. I do not have the intention to</p> <p>8 have the court reporter copy all of the contents of</p> <p>9 those three binders, but I do want to ensure that we</p> <p>10 have a clear record of all the materials that</p> <p>11 Dr. Moline considered in this case and I don't think</p> <p>12 that there is a single page that currently reflects</p> <p>13 that.</p> <p>14 I am open to any number of solutions,</p> <p>15 but I would propose that we make Exhibit 15 a</p> <p>16 placeholder to then reach agreement with counsel on</p> <p>17 what contents are included within those three binders</p> <p>18 and put that there.</p> <p>19 MS. LONG: I just want to make sure I'm</p> <p>20 clear on what you're proposing.</p> <p>21 MR. EWALD: Sure.</p> <p>22 MS. LONG: Are you proposing that</p> <p>23 Exhibit 15 will eventually be a copy of the binders</p> <p>24 or some sort of list?</p> <p>25 MR. EWALD: Just a list.</p>
<p style="text-align: right;">Page 115</p> <p>1 this case?</p> <p>2 MS. LONG: Objection to form.</p> <p>3 A. In general, yes.</p> <p>4 Q. What do you rely on for the opinion that</p> <p>5 asbestos can remain in the air for essentially days?</p> <p>6 A. It's something that I learned way back</p> <p>7 when. I don't even know if I can point you to a</p> <p>8 source. It's just one of those things that I'm aware</p> <p>9 of from industrial hygiene courses where it may have</p> <p>10 been discussed. There have been area studies I know</p> <p>11 from joint compound, for example, where asbestos has</p> <p>12 been measured at the time it's been used and then at</p> <p>13 various times later to measure how long asbestos may</p> <p>14 be present in the air after its use.</p> <p>15 Q. But as you sit here today, you can't</p> <p>16 identify any authority that you rely on for the</p> <p>17 proposition that asbestos can remain in the air for</p> <p>18 days?</p> <p>19 MS. LONG: Objection to form.</p> <p>20 A. It may be in the Anderson paper. It may</p> <p>21 be in a Fischbein paper. Those are the joint</p> <p>22 compound papers that I'm thinking of. It could</p> <p>23 actually be in a Rohl/Langer or a Nicholson paper</p> <p>24 from the '70s where they were measuring asbestos</p> <p>25 content.</p>	<p style="text-align: right;">Page 117</p> <p>1 MS. LONG: Okay. I think we can work</p> <p>2 that out.</p> <p>3 MR. EWALD: Great. With that I will</p> <p>4 pass the witness, look over my notes and see where we</p> <p>5 are.</p> <p>6 (Whereupon, list of contents of</p> <p>7 documents in three binders will be provided and</p> <p>8 marked Moline Exhibit 15, for identification, as of</p> <p>9 this date.)</p> <p>10 EXAMINATION BY</p> <p>11 MR. GAULT:</p> <p>12 Q. Dr. Moline, can you hear me okay?</p> <p>13 A. Yes.</p> <p>14 Q. My name is Patrick Gault. I represent</p> <p>15 Continental in this case. Do you have an</p> <p>16 understanding that General Tire was acquired by</p> <p>17 Continental Tire?</p> <p>18 A. Yes.</p> <p>19 Q. I'm just going to refer to it as the</p> <p>20 General Tire plant regardless of the time period or</p> <p>21 who actually owned the plant; is that okay?</p> <p>22 A. That's fine.</p> <p>23 Q. First, this may be a little bit of an</p> <p>24 odd question, but do you recall a radiologist by the</p> <p>25 name of Dr. Ray Herrin?</p>

<p style="text-align: right;">Page 118</p> <p>1 A. I saw a medical report from him. I've 2 never met him. I've never heard of him before I saw 3 this report, but yes, I saw a B reading and a listing 4 of pulmonary function tests on Mackey Ward. 5 Q. But you don't know anything about him 6 losing his medical license, being sanctioned by the 7 court or anything like that? 8 A. I know nothing. I don't know the name. 9 Q. Obviously Dr. Ellenbecker is involved in 10 this case. You mentioned that earlier if I'm not 11 mistaken. Did you review his deposition? 12 A. Yes. 13 Q. Did you review two volumes or three 14 volumes or just the first volume? 15 A. I reviewed I think it was two volumes. 16 I know I reviewed two volumes. I don't remember that 17 there was a third. 18 Q. In fairness, I just got it e-mailed to 19 me today, so you wouldn't have had time to see it. 20 What specific General Tire documents did 21 you receive and review? I know you mentioned I think 22 the 1991-'92 asbestos survey. 23 A. Correct. 24 Q. Did you receive or review any General 25 Tire-specific documents?</p>	<p style="text-align: right;">Page 120</p> <p>1 transcript. 2 Q. Other than you've already mentioned, 3 what specific articles will you rely on to comment 4 with regard to Mackey Lyn Ward's potential for 5 exposure to asbestos at General Tire, if any? 6 A. I mentioned a couple earlier which is 7 the Anderson, and the Vianna and Polan, and then an 8 article, I think it's Magnani from Casale Monferrato 9 talking about take-home exposure. I'm not sure if 10 there is an article that Nicholson did where he 11 measured exposure in the home. There are others on 12 my reference list that talk about take-home 13 exposures. I would have to go through the list. 14 Q. All those articles, I'm just generally 15 speaking, the exposure to the individual who 16 allegedly brought home the asbestos on his or her 17 clothing would have been exposed to a much greater 18 degree than Mackey Lyn Ward was exposed potentially 19 at General Tire; is that fair? 20 MS. LONG: Objection to form. 21 A. It depends on the circumstances of their 22 exposure. There are cases reported from take-home 23 exposure of individuals in brake manufacturing 24 plants. There are other reports in the literature of 25 take-home exposure that may not have been extensive.</p>
<p style="text-align: right;">Page 119</p> <p>1 A. Only that were attachments to 2 depositions that may have been a site map. That's 3 the extent that I recall. 4 Q. You mentioned Apple Jaw, that's Kenneth 5 Simmons; is that correct? 6 A. Correct. 7 Q. Did you review John Paul Simmons' 8 deposition? 9 A. I did. 10 Q. What other depositions, co-worker 11 depositions did you review? And I mean co-workers of 12 Mackey Lyn Ward? 13 A. Those were the only two that I was 14 provided with. 15 Q. Did you do any highlighting or make any 16 notes on those transcripts? 17 MS. LONG: On the transcript themselves 18 you mean, Counsel? 19 MR. GAULT: Yes, ma'am. 20 A. I did not make any. I don't highlight 21 and I didn't make any comments that would be 22 relatable to the case. Sometimes I'm jotting 23 something that has nothing to do with it just because 24 I need to write a number down, but there's nothing on 25 them. I take notes. I don't make comments on the</p>	<p style="text-align: right;">Page 121</p> <p>1 With respect to the Italian study on the 2 asbestos cement plants, yes, in all likelihood they 3 had a higher exposure. 4 Q. Have you ever been in a tire facility, 5 tire manufacturing facility? 6 A. No, not that I recall. 7 Q. Do you recall ever testifying on behalf 8 of a plaintiff who worked in a tire manufacturing 9 facility? 10 A. I have certainly reviewed other cases of 11 individuals who worked in tire manufacturing 12 facilities. I am not sure if I've actually testified 13 on those cases or I've just written reports. 14 Q. Were those cases involving asbestos or 15 some kind of chemical or do you recall? 16 A. They would have been asbestos cases. 17 There are chemicals in tire plants, but I would have 18 been asked to comment on the asbestos. 19 Q. Sorry to jump around on you a little 20 bit, but I forgot to ask you about Dr. Herrin. You 21 said you did have that ILO form and the PFT on Mackey 22 Lyn Ward. 23 A. Yes. 24 Q. You're not going to testify at trial 25 that Mr. Ward in fact did have what is shown in those</p>

<p style="text-align: right;">Page 122</p> <p>1 medical records, are you?</p> <p>2 MS. LONG: Objection to form.</p> <p>3 A. I just noted it in my notes. I don't</p> <p>4 have any -- I will answer the questions I'm asked. I</p> <p>5 do know that Ms. Wiman referenced that her husband</p> <p>6 had been diagnosed with asbestosis, but I don't know</p> <p>7 from where she derived that data, if it was from this</p> <p>8 physician or it was from other sources or her own</p> <p>9 personal physician.</p> <p>10 Q. Without additional information or even</p> <p>11 the X-ray to review or have someone review it, you</p> <p>12 can't come to that conclusion independently just</p> <p>13 based on those records; is that fair?</p> <p>14 A. The records speak for themselves. The</p> <p>15 PFTs are the PFTs. I don't know how you can fudge a</p> <p>16 diffusing capacity. Apart from that, again, I know</p> <p>17 nothing about this physician and whether it's</p> <p>18 something that one would, based on information -- I'm</p> <p>19 relying on you to discuss this particular physician.</p> <p>20 I would have to get some further information before I</p> <p>21 would testify or take a look at the film myself or</p> <p>22 have another B reader look at it if this gentleman</p> <p>23 has been discredited.</p> <p>24 Q. That's fair enough. You mentioned that</p> <p>25 some of the General Tire documents you may have seen</p>	<p style="text-align: right;">Page 124</p> <p>1 warehouses were a large part, but I don't recall that</p> <p>2 there was a specific description of the acreage or</p> <p>3 the square footage of the warehouse, just that the</p> <p>4 warehouses were huge.</p> <p>5 Q. The document we were talking about, it</p> <p>6 has a legend in the upper left-hand corner that lists</p> <p>7 the square footage of all the buildings. I added it</p> <p>8 up and it looks like it was 638,900 square feet. You</p> <p>9 have no way to agree or disagree with that</p> <p>10 calculation I'm assuming?</p> <p>11 A. Correct, I didn't look at the legend, I</p> <p>12 didn't try to figure it out.</p> <p>13 Q. If I said it appears that the warehouses</p> <p>14 were over 14 acres in size, the warehouses combined</p> <p>15 total, does that seem about correct?</p> <p>16 MS. LONG: Objection to form.</p> <p>17 A. I'm not sure how you convert square feet</p> <p>18 to acreage.</p> <p>19 Q. Google and a calculator.</p> <p>20 A. I'm sure that's the way we all do it</p> <p>21 now, but I can't tell you off the top of my head. My</p> <p>22 farming days have long passed.</p> <p>23 Q. They're huge warehouses, that's fair to</p> <p>24 say?</p> <p>25 A. That's what the description was.</p>
<p style="text-align: right;">Page 123</p> <p>1 were the ones attached to the deposition of the</p> <p>2 co-worker depositions and I think you specifically</p> <p>3 referenced a schematic I think you called it of the</p> <p>4 plant.</p> <p>5 A. It wasn't schematics per se. I think it</p> <p>6 was actually like an architectural drawing of the</p> <p>7 plants. I didn't pay much attention to it since I'm</p> <p>8 not an architect.</p> <p>9 Q. Do you know where the General Tire plant</p> <p>10 at issue is located?</p> <p>11 A. I don't think it exists anymore. I</p> <p>12 think it moved to Mexico.</p> <p>13 Q. What do you base that on, deposition</p> <p>14 testimony?</p> <p>15 A. Correct. I think it was in Mayfield,</p> <p>16 Kentucky, I believe was the town.</p> <p>17 Q. Do you have an idea in terms of the size</p> <p>18 of the facility in terms of acres? I mean the plant</p> <p>19 itself, not the property around it.</p> <p>20 A. There were some references to 45 to</p> <p>21 60 acres for the plant. I don't know if that's true</p> <p>22 or not. Those were just the numbers I recall.</p> <p>23 Q. Do you have an idea or a concept of the</p> <p>24 size of the warehouses?</p> <p>25 A. From the descriptions I saw the</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. Did you see distinctions between the</p> <p>2 north and the south warehouses?</p> <p>3 A. There was a description of the north and</p> <p>4 the south, that something was built over a creek, so</p> <p>5 there was definitely a distinction, yes.</p> <p>6 Q. Did you get the understanding that the</p> <p>7 warehouses were only connected to the production area</p> <p>8 by two aisles where you could drive a couple of fork</p> <p>9 trucks back and forth?</p> <p>10 A. That I don't recall.</p> <p>11 Q. Did you happen to match up the asbestos</p> <p>12 survey to the warehouses in terms of where there was</p> <p>13 asbestos-containing material located?</p> <p>14 A. I did not. I assumed that would be</p> <p>15 something that Dr. Ellenbecker was going to do. I</p> <p>16 just skimmed through it and noted that there was</p> <p>17 reports of asbestos being present.</p> <p>18 Q. Did you get the understanding that the</p> <p>19 only material that may have contained asbestos in the</p> <p>20 warehouses was from the steam pipes up in the ceiling</p> <p>21 that fed the steam heaters in the warehouse?</p> <p>22 A. That was what I gleaned, although it's</p> <p>23 unclear whether there was also insulation around the</p> <p>24 Banbury or other equipment, but there was no</p> <p>25 information apart from I think a passing reference to</p>

<p style="text-align: right;">Page 126</p> <p>1 that.</p> <p>2 Q. I'm specifically talking about the</p> <p>3 warehouse. The Banbury is in the production area.</p> <p>4 A. Correct. My understanding is it was</p> <p>5 from the steam pipes, correct.</p> <p>6 Q. Dr. Moline, you don't have any opinion</p> <p>7 in terms of whether or not Mr. Ward was exposed to</p> <p>8 industrial talc at General Tire, do you?</p> <p>9 A. There was a passing mention in one of</p> <p>10 the depositions, but there wasn't enough information</p> <p>11 for me to be able to give an opinion to a reasonable</p> <p>12 degree of medical certainty.</p> <p>13 My understanding from the tire</p> <p>14 manufacturing is that industrial talc can be used,</p> <p>15 but I don't know if it was used at General Tire and I</p> <p>16 did not see any specific information to that effect.</p> <p>17 Q. There was no asbestos material used in</p> <p>18 the construction of tire manufacturing that you saw</p> <p>19 from these depositions anyway?</p> <p>20 A. I don't know what you mean by</p> <p>21 construction of tire manufacturing.</p> <p>22 Q. That no asbestos products are utilized</p> <p>23 in the production process of manufacturing a tire.</p> <p>24 A. Unless there was industrial talc that</p> <p>25 contains asbestos, but, again, there wasn't</p>	<p style="text-align: right;">Page 128</p> <p>1 insulation falling from the ceiling of the warehouse?</p> <p>2 A. Correct.</p> <p>3 Q. Mr. John Paul Simmons testified that</p> <p>4 he'd run over it and sometimes he'd end up cleaning</p> <p>5 it up himself. Do you remember that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you remember Kenneth Simmons</p> <p>8 testifying that if pipe insulation fell from the</p> <p>9 ceiling of the warehouse, he would call the</p> <p>10 janitorial or his supervisor would call the</p> <p>11 janitorial staff and they would come clean it up.</p> <p>12 Do you recall that?</p> <p>13 A. Yes.</p> <p>14 Q. He never personally cleaned it up; is</p> <p>15 that fair?</p> <p>16 A. Not when he was in the warehouse.</p> <p>17 Q. Right, he used to be in the janitorial</p> <p>18 department. Do you remember the first testimony,</p> <p>19 co-worker or eyewitness testimony about Mackey Lyn</p> <p>20 Ward being present in the warehouse came from John</p> <p>21 Paul Simmons and that wasn't until the mid-1970s?</p> <p>22 A. Correct.</p> <p>23 Q. Neither John Paul Simmons or Kenneth</p> <p>24 Simmons testified that Mackey Lyn Ward was in the</p> <p>25 area of the warehouse when pipe insulation fell from</p>
<p style="text-align: right;">Page 127</p> <p>1 sufficient information to know whether that was used</p> <p>2 in this plant or not, but other than that, I'm not</p> <p>3 aware of any asbestos products being used in tire</p> <p>4 manufacturing.</p> <p>5 Q. Did you see some testimony about roofing</p> <p>6 material in the warehouses?</p> <p>7 A. Yes.</p> <p>8 Q. If Dr. Ellenbecker testified that the</p> <p>9 roofing material -- if the roofing material did</p> <p>10 contain asbestos, it would be considered non-friable,</p> <p>11 would you agree with that?</p> <p>12 A. If it were intact then it would not be</p> <p>13 friable. If it were cut or broken apart or parts of</p> <p>14 the roof fell down, then it had potential to become</p> <p>15 friable.</p> <p>16 Q. How would that be?</p> <p>17 A. Well, if a tornado comes through and</p> <p>18 knocks off part of the roof and then breaks off bits</p> <p>19 of the roof and the tar paper, then it could</p> <p>20 conceivably become friable. I think Apple Jaw</p> <p>21 described that. I think Mr. Kenneth Simmons</p> <p>22 described all sorts of dust including dust from the</p> <p>23 roof during the tornado.</p> <p>24 Q. You obviously recall both Kenneth</p> <p>25 Simmons and John Paul Simmons testifying about pipe</p>	<p style="text-align: right;">Page 129</p> <p>1 the ceiling; is that correct?</p> <p>2 A. Yes.</p> <p>3 MS. LONG: Objection to form.</p> <p>4 A. No, I don't recall that. I recall that</p> <p>5 they discussed that the insulation was falling from</p> <p>6 the ceiling and they saw it with respect to it</p> <p>7 occurring when he was there as well. That wasn't my</p> <p>8 read of their depositions. I thought that they were</p> <p>9 describing that the pipe insulation fell in the</p> <p>10 warehouse during the times that they were working</p> <p>11 with him.</p> <p>12 Q. Correct. When they were working on the</p> <p>13 same shift, but I mean actually Mr. Ward physically</p> <p>14 being present when pipe insulation fell?</p> <p>15 A. I think they were not concentrating on</p> <p>16 what was falling on Mr. Ward, they were probably</p> <p>17 concentrating on what was falling on them, so I don't</p> <p>18 think they were able to answer what specifically</p> <p>19 might have fallen, but they were describing the</p> <p>20 environment at the same time he was working in there.</p> <p>21 Q. Let me see if you agree or disagree with</p> <p>22 what Dr. Ellenbecker says. I asked him, "so what I</p> <p>23 gather, you correct me, that Mr. John Paul Simmons</p> <p>24 assumed Mackey Lyn Ward experienced those same</p> <p>25 things, but he couldn't testify as to firsthand</p>

<p style="text-align: right;">Page 130</p> <p>1 knowledge witnessing that occurring by Mackey Lyn 2 Ward?" He said, "that's my recollection of his 3 deposition." 4 A. Okay. Dr. Ellenbecker could have said 5 that. I had a slightly different read, but 6 Dr. Ellenbecker is entitled to his opinion. 7 Q. Dr. Ellenbecker described Mackey Lyn 8 Ward's potential exposure to asbestos from this 9 falling pipe insulation as episodic. 10 Would you agree with that? 11 A. Yes. 12 Q. In other words, it didn't happen on a 13 daily basis; is that fair? 14 MS. LONG: Objection to form. We're 15 talking now just about the falling or any exposure 16 from the material that had fallen? 17 MR. GAULT: That is a fair objection. 18 Q. First let's start with the falling pipe 19 insulation, that didn't happen every day? 20 A. It might have occurred every day for a 21 period of time, but certainly it wasn't a 22 five-day-a-week occurrence. 23 Q. What about exposure to asbestos, can you 24 testify whether or not that would have been a daily 25 occurrence?</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. There were several truck bay doors too, 2 correct? 3 A. Yes. 4 Q. Do you recall the testimony about 5 leaving those open and the ventilation that would 6 come through because of that? 7 A. Yes. 8 Q. There were also roof exhaust fans in the 9 warehouse too. Do you remember that? 10 A. There was some mention of it, yes, and 11 there was also a description of heaters and blowers 12 blowing dust. 13 Q. I'm sorry. 14 A. I recall that they also described 15 blowers that blew dust around within the warehouse. 16 Q. I believe that was John Paul Simmons; is 17 that to your recollection? 18 A. Yes. 19 Q. He was talking about the blowers on the 20 steam heaters that even in the summertime the steam 21 heater would be off, but they would leave the blower 22 on; is that what you're recalling? 23 A. I just remember they talked about 24 heaters and blowers and I didn't make that 25 distinction.</p>
<p style="text-align: right;">Page 131</p> <p>1 A. Again, if there was disruption of the 2 pipe covering, whether it was from the forklifts and 3 the pallets or from the asbestos on the floor, it 4 sounds like it was not a daily occurrence but it was 5 something that occurred with regularity. 6 Q. Neither Kenneth Simmons or John Paul 7 Simmons could really quantify how often it happened; 8 is that fair? 9 A. Correct. 10 Q. If you'll assume for me that the south 11 warehouse contained no asbestos-containing insulation 12 or material, would you agree with me then when 13 Mr. Ward was working in the south warehouses, he 14 wouldn't have been exposed to asbestos? 15 A. Correct. 16 Q. Do you have any concept of the 17 ventilation in the warehouses? 18 A. No, I don't think it was well described. 19 Q. Do you remember the testimony about they 20 could literally pull a freight train inside the 21 warehouse? 22 A. Meaning they could have a freight train 23 come into the warehouse? 24 Q. Correct. 25 A. Yes.</p>	<p style="text-align: right;">Page 133</p> <p>1 Q. Do you recall Kenneth Simmons testifying 2 about wet sweepers coming through the warehouse and 3 wet sweeping the aisles once a day? 4 A. I remember him talking about wet 5 sweepers coming through; I don't recall that it was 6 daily, but I don't recall that specific element. 7 Q. If that is the case, if wet sweepers 8 swept the floors, the aisles every day, to the extent 9 there may be asbestos dust on the floor, that would 10 help remove it; is that fair? 11 A. If the sweepers are effective. What it 12 would also do is make it less likely to become 13 airborne. 14 Q. With a wet sweeper? 15 A. If the wet sweeper is wetting the 16 asbestos on the floor, yes, then it's less likely to 17 become airborne if it's wet. 18 Q. I thought you said more likely. 19 A. Sorry. 20 Q. That's why I asked again. 21 MS. LONG: You said less likely. 22 MR. GAULT: That's okay. 23 Q. Were you aware of a study that was 24 conducted, a joint study between the United Rubber 25 Workers union, General Tire and other tire</p>

<p style="text-align: right;">Page 134</p> <p>1 manufacturing companies, University of North Carolina 2 and Harvard joint study of potential health hazards 3 at tire manufacturing plants? 4 A. It sounds vaguely familiar. I didn't 5 review it in advance of this deposition. 6 Q. Do you know if you received it? It was 7 produced by General Tire. 8 A. I did not receive it as part of the 9 materials given to me. 10 Q. I'm sorry, just to clarify, did you say 11 you didn't review it or you didn't receive it? 12 A. I definitely didn't receive it and I 13 said I did not review it in conjunction with this 14 particular case. I know I've read studies in the 15 past about tire or rubber workers. 16 Q. Would you find it surprising if that 17 study that started in the early '70s, went on 18 throughout the '70s did not focus at all on asbestos 19 as a potential health hazard? 20 MS. LONG: Objection to form. 21 A. It depends on what the hypothesis of the 22 study was. I would have to see what the 23 comprehensive nature of the study was. 24 Q. If it's potential health hazards to tire 25 manufacturing employees, does that change that at</p>	<p style="text-align: right;">Page 136</p> <p>1 extent there may have been asbestos fibers on his 2 clothes, would that help decrease the amount that he 3 had on his clothes when he eventually went in the 4 house for the night? 5 MS. LONG: Objection to form. 6 A. I can't comment on whether it would 7 change the fibers imbedded in the fabric. I don't 8 know. I've never seen a study that's compared 9 individuals with asbestos fiber on their clothes 10 before and after going to work in a field. 11 Q. Do you recall Ms. Wiman testifying that 12 Mr. Ward's clothes were much cleaner once he started 13 working in the warehouse or less dusty I should say? 14 A. Well, he moved from working with carbon 15 black to no longer working directly with carbon black 16 so, yes, they were less dusty. 17 Q. Do you recall the co-worker testimony 18 that the warehouse was the least dirty and dusty 19 place in the facility? 20 A. Yes, which doesn't necessarily say a 21 lot. That's compared to what? 22 Q. Production. 23 A. Understood. 24 Q. Do you recall Mr. Kenneth Simmons 25 testifying about how dust would blow in from the</p>
<p style="text-align: right;">Page 135</p> <p>1 all? 2 MS. LONG: Objection as to form. 3 A. They might have been looking at the 4 immediate, not what might happen in the future. 5 Again, I would have to look at what they were 6 actually analyzing. 7 Q. Do you recall Kenneth Simmons testifying 8 that when they finished their shift, they being the 9 forklift operators, would sometimes blow out their 10 clothes with an air hose before going home? 11 A. I recall he mentioned that, yes. 12 Q. If Mr. Ward would do that, that would 13 certainly decrease the amount of asbestos fibers that 14 he may have had on his clothes when he went home; is 15 that fair? 16 A. Correct. 17 Q. You testified earlier today about 18 sometimes when Mr. Ward came home he wouldn't change 19 right away. Do you recall that? 20 A. Yes. 21 Q. Do you recall Ms. Wiman testifying that 22 he often when he came home from work went right to 23 work on the farm? 24 A. Yes. 25 Q. Wouldn't that work on the farm, to the</p>	<p style="text-align: right;">Page 137</p> <p>1 parking lot into the warehouse through the truck 2 docks? 3 A. Yes. 4 Q. So that would obviously increase the 5 level of dust in the warehouse just from that alone? 6 MS. LONG: Objection to form. 7 Q. Let me ask you this way, you're not 8 testifying that all the dust in the warehouse came 9 from insulation on pipes; is that fair? 10 A. Correct. 11 Q. There were many sources for the dust and 12 some of it could have even come from production? 13 MS. LONG: Objection to form. 14 A. Correct. 15 MR. GAULT: Actually, strike that. 16 Q. Do you recall the testimony that when 17 the pipe insulation fell from the pipes, do you 18 recall how long or how long of sections of pipe 19 insulation fell from the pipes? 20 A. I think it varied. I think one time 21 there was mention of eight feet and the rest of it 22 was different pieces that didn't have necessarily a 23 length associated with it. 24 Q. If I'm getting beyond where you're 25 comfortable testifying, you just tell me, but do you</p>

<p style="text-align: right;">Page 138</p> <p>1 know much about asbestos-containing thermal 2 insulation in terms of how it's applied on pipes? 3 A. More than most doctors, but it depends 4 on how it's applied and what product is applied. 5 Q. If we say calcium silicate, let's say 6 Kaylo was applied to pipe insulation. First of all, 7 Kaylo comes in three-foot sections, is that fair, if 8 you know? 9 A. I don't know what size it comes in. 10 Q. In terms of installing Kaylo or other 11 calcium silicate thermal insulation products on pipe, 12 do you know one way or the other when the insulators 13 initially installed it they would use stainless steel 14 wire or stainless steel straps to put it up? 15 MS. LONG: Objection to form. 16 A. I think it depends on the nature of how 17 they were doing it. I've seen it where it was 18 installed with chicken wire. I don't think it was 19 stainless steel. In other places they may have used 20 bands that might have been stainless steel. There 21 are all different ways of installing insulation. I 22 don't know what makes one insulator choose one method 23 versus another. 24 Q. But given what you said, how does it 25 make sense that an eight-foot section of pipe</p>	<p style="text-align: right;">Page 140</p> <p>1 Ms. Wiman would have had to asbestos as a result of 2 Mr. Ward being exposed to asbestos at General Tire 3 would be significantly less than Mr. Ward's actual 4 exposure at General Tire? 5 A. In general, yes. 6 Q. When I asked Dr. Ellenbecker if he could 7 put a percentage on that one exposure versus the 8 other, he cited an article, the Sammel, S-a-m-m-e-l, 9 article and said it would be about 20 percent of the 10 initial exposure. 11 Do you agree or disagree or have a 12 different opinion? 13 MS. LONG: Objection to form. 14 A. I know I read that article, but I don't 15 recall the exact number. 16 Q. In terms of Dr. Ellenbecker, what areas 17 of your opinion do you rely on Dr. Ellenbecker's 18 opinion as an industrial hygienist? If that didn't 19 make sense, let me know. 20 A. Dr. Ellenbecker has expertise with 21 respect to the measurement of asbestos and other 22 industrial hazards, he can comment on what exposures 23 from the exposure standpoint could be within the 24 plant, so he can do an analysis of the amount of 25 asbestos that was used based on the survey that was</p>
<p style="text-align: right;">Page 139</p> <p>1 insulation could fall from a pipe? 2 MS. LONG: Objection to form. 3 A. Well, pipes are sequential and they're 4 long and it could have been that there was a leak 5 around the eight-foot section of pipe insulation and 6 it got wet and it dried and it contracted and it all 7 fell. I don't know if Mr. Simmons was actually 8 measuring the piece. It may have looked like it was 9 a long piece. Once it's put together, they're 10 joined, the various pieces. It doesn't mean that it 11 necessarily -- if it has an external coating around 12 it, it could all come down at once. 13 Q. Obviously the insulation that fell to 14 the floor, whether or not it had asbestos in it, we 15 don't know; is that fair? 16 A. The actual insulation that fell on the 17 floor we don't know. We do know that there was 18 asbestos insulation based on the survey results on 19 the pipes. 20 Q. I understand, but in terms of what 21 actually fell, we don't know whether it contained 22 asbestos or not? 23 A. I don't recall that General Tire did any 24 measurements; so we don't know the exact amount. 25 Q. Would you agree that any exposure</p>	<p style="text-align: right;">Page 141</p> <p>1 done. 2 Q. Would you agree there's been no 3 testimony that a forklift operator, much less Mackey 4 Lyn Ward, actually hit one of the steam lines going 5 to the steam heaters? 6 A. No, the steam lines were above the 7 forklifts, but they described dust from the steam 8 lines on the top pallet. 9 Q. Right, but I guess I meant like stacking 10 pallets or something like that, there was no 11 testimony that any of the forklift operators actually 12 struck the steam line, the insulated steam line with 13 the forks or the palletizers or anything like that? 14 A. Correct. 15 Q. One of the areas in your disclosure said 16 that you are expected to testify that the defendants 17 were in violation of asbestos regulations promulgated 18 by state governments and the United States 19 government, and that defendants violated their duties 20 under the Occupational Safety and Health Act. 21 Would you agree that you can't testify 22 that Mr. Ward was exposed above the then existing TLV 23 or PEL at any time at General Tire? 24 MS. LONG: Objection to form. 25 A. There's no information related to the</p>

<p style="text-align: right;">Page 142</p> <p>1 measurements; so I wouldn't be able to testify to a 2 specific level.</p> <p>3 Q. So you can't testify in terms of 4 exposure to asbestos that General Tire violated 5 Kentucky OSHA or OSHA vis-à-vis Mr. Ward?</p> <p>6 MS. LONG: Objection to form.</p> <p>7 A. Based on numerical values, that's 8 correct.</p> <p>9 Q. Just a couple more things from your 10 disclosure. Would you agree with me that to the 11 extent Mr. Ward was exposed or was potentially 12 exposed to asbestos at General Tire, it would have 13 been as a bystander?</p> <p>14 A. From his work in the warehouse, yes.</p> <p>15 Q. Do you know when the General Tire 16 facility was built?</p> <p>17 A. I seem to recall seeing something about 18 1960.</p> <p>19 Q. Correct, it was started in '59 and 20 finished in '60; so that's correct. Do you know when 21 the north warehouse was constructed or finished?</p> <p>22 A. I think that was around 1979 or 1980.</p> <p>23 Q. If the documents in this case show that 24 the north warehouse was finished in '73, do you 25 recall anything that leads you to disagree with that?</p>	<p style="text-align: right;">Page 144</p> <p>1 A. That I don't remember. Working with 2 asbestos.</p> <p>3 Q. I guess the distinction is they weren't 4 driving a forklift in a warehouse?</p> <p>5 A. I don't think there's any specificity 6 regarding that, no.</p> <p>7 Q. When do you believe that General Tire 8 should have known that Mackey Lyn Ward could 9 potentially expose his family to asbestos in his job 10 as a forklift operator in a warehouse?</p> <p>11 MS. LONG: Objection to form.</p> <p>12 A. The health hazards of asbestos were 13 known in the 1950s in the United States after 14 articles were published in the Journal of the 15 American Medical Association. Certainly in the 1950s 16 there was knowledge in the major medical publications 17 that asbestos was a health hazard.</p> <p>18 Q. My question actually was when should 19 General Tire have known that Mr. Ward could 20 potentially take home asbestos fibers to his house 21 and expose his family? When should General Tire have 22 known that given he's a forklift operator in a 23 warehouse?</p> <p>24 MS. LONG: Objection to form. 25 Objection, asked and answered.</p>
<p style="text-align: right;">Page 143</p> <p>1 A. I don't recall either way. I thought it 2 was later.</p> <p>3 Q. In fairness, the south warehouses were 4 completed in '78; so that might have been what you 5 were thinking.</p> <p>6 A. Okay. I think there was some testimony 7 somewhere that the warehouses expanded and kept 8 expanding and maybe that's where I'm confused, but I 9 don't know the years of the various warehouses.</p> <p>10 Q. Actually, in fairness, I think some of 11 the testimony from the co-workers was based on their 12 recollection and I think they did say something about 13 those years, but the documents prove otherwise, but 14 whatever.</p> <p>15 It says in your disclosure, Dr. Moline 16 is expected to testify when it was known that 17 bystander and household exposure were known to cause 18 disease. I think you talked a little bit about this 19 earlier, but when is that in your opinion?</p> <p>20 A. I think the first time it was really 21 described was in 1963 by Newhouse where there was a 22 description of household exposure.</p> <p>23 Q. What were the workers doing in the 24 Newhouse study that brought home the asbestos to 25 their house?</p>	<p style="text-align: right;">Page 145</p> <p>1 A. Again, I think that they should have 2 understood that after the plant was built in 1960 if 3 there was potential exposure of the employees to 4 asbestos, then they should have known at some point 5 in the '60s.</p> <p>6 Q. Is that for all employees regardless of 7 where they're working in the plant?</p> <p>8 MS. LONG: Objection to form.</p> <p>9 A. They should be aware of the fact that 10 asbestos was present in the plant and been aware that 11 there was potential exposure, and also they should 12 have known the condition of the plant and the fact 13 that the insulation was falling down from leaks at 14 various points that could lead to exposure.</p> <p>15 Q. Were you aware that Triangle Insulation 16 was a defendant in this case?</p> <p>17 A. Only because I saw their name. I don't 18 know what they are. All I know is I saw their name 19 and I saw some people from Triangle asking questions 20 in depositions.</p> <p>21 Q. Were you provided any depositions of 22 former Triangle employees taken in cases years ago?</p> <p>23 A. No.</p> <p>24 Q. So you don't know what role, if any, 25 Triangle had in insulating any part of the General</p>

<p style="text-align: right;">Page 146</p> <p>1 Tire plant?</p> <p>2 A. I do not.</p> <p>3 Q. If there's evidence that Triangle</p> <p>4 insulated the north warehouses, what kind of duty</p> <p>5 would Triangle have in terms of using</p> <p>6 asbestos-containing pipe insulation?</p> <p>7 MS. LONG: Objection to form. This is</p> <p>8 not a question -- this witness is not here to make</p> <p>9 legal conclusions as to what any defendant or</p> <p>10 company's legal duty would be, that's not within her</p> <p>11 disclosure or her expert opinion. It would be a</p> <p>12 conclusion for a judge or a jury.</p> <p>13 If you want to ask her about factual</p> <p>14 questions or opinion on things within her expertise,</p> <p>15 I think that's fine, but asking her what duty another</p> <p>16 company had, which is a very loaded legal term, is</p> <p>17 not appropriate for this witness.</p> <p>18 MR. GAULT: Let me try to rephrase.</p> <p>19 First of all, I appreciate your objection, but just</p> <p>20 object to form would be fine. The doctor can say I</p> <p>21 can't testify as to a duty.</p> <p>22 A. I can't testify as to a duty.</p> <p>23 Q. There we go. Dr. Moline, what is your</p> <p>24 definition of a significant exposure to asbestos?</p> <p>25 A. One that is above background, that's</p>	<p style="text-align: right;">Page 148</p> <p>1 being said I think we've taken care of that.</p> <p>2 MR. GAULT: Let me just look over my</p> <p>3 notes. I don't know if counsel has some follow-ups.</p> <p>4 That being said I appreciate your time.</p> <p>5 MR. EWALD: No follow-up.</p> <p>6 MS. LONG: I think we're done.</p> <p>7 MR. EWALD: Thanks.</p> <p>8 (Time Noted: 3:35 p.m.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 147</p> <p>1 non-trivial.</p> <p>2 Q. I believe that's Dr. Ellenbecker's</p> <p>3 opinion too, anything above background.</p> <p>4 Your disclosure says that you're</p> <p>5 expected to testify that the levels of asbestos to</p> <p>6 which the plaintiff was exposed during her use of and</p> <p>7 exposure to defendant's talcum powder products and</p> <p>8 other products would have likely exceeded established</p> <p>9 TLVs and PELs in many instances. I want to go to the</p> <p>10 other products in that sentence.</p> <p>11 We've already talked about that,</p> <p>12 correct, you will not testify that Mr. Ward or</p> <p>13 Ms. Wiman was exposed above the TLVs or PEL for</p> <p>14 asbestos; is that fair?</p> <p>15 MS. LONG: Objection to form.</p> <p>16 A. Ms. Wiman is not covered by any TLV or</p> <p>17 PEL because her exposures were household and those</p> <p>18 are levels that are workplace exposure levels. I</p> <p>19 don't have numerical values for her actual exposure</p> <p>20 level so I would not testify to them, but there is no</p> <p>21 PEL, that she is not covered under any PEL.</p> <p>22 Q. I agree with you, but the disclosure</p> <p>23 says you're expected to testify about what the</p> <p>24 plaintiff was exposed -- that the plaintiff was</p> <p>25 exposed to levels over the TLV and PEL, but that</p>	<p style="text-align: right;">Page 149</p> <p style="text-align: center;">J U R A T</p> <p>1</p> <p>2</p> <p>3 I, Jacqueline Moline, M.D., the witness herein,</p> <p>4 do hereby certify the foregoing testimony of the</p> <p>5 pages of this deposition to be a true and correct</p> <p>6 transcript, subject to the corrections, if any, shown</p> <p>7 on the attached page.</p> <p>8</p> <p>9</p> <p style="text-align: center;">_____ JACQUELINE MOLINE, M.D.</p> <p>10</p> <p>11</p> <p>12 Subscribed and sworn to before me</p> <p>13 This ____ day of _____ 2019.</p> <p>14</p> <p>15</p> <p style="text-align: center;">_____ NOTARY PUBLIC</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Page 150

1 CERTIFICATE

2

3 STATE OF NEW YORK)

) ss:

4 COUNTY OF NEW YORK)

5

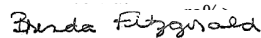
6 I, BRENDA FITZGERALD, a Shorthand
 7 Reporter and Notary Public within and for the State
 8 of New York, do hereby certify:

9 That, Jacqueline Moline, M.D., an expert
 10 witness whose DEPOSITION was held on November 25,
 11 2019, as hereinbefore set forth, was duly sworn by
 12 me, and that this transcript of such Examination is a
 13 true and accurate record of the testimony given by
 14 such witness.

15 I further certify that I am not related
 16 to any of the parties to this action by blood or by
 17 marriage, and that I am in no way interested in the
 18 outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto set
 20 my hand this 2nd day of December 2019.

21



22

23

BRENDA FITZGERALD

24

25

Page 151

1 ERRATA SHEET

Priority-One Court Reporting/Veritext

2 718-983-1234

3 ASSIGNMENT NO. P1-3782925

4 CASE NAME: Wiman, Carolyn v. Asbestos

DATE OF DEPOSITION: 11/25/2019

5 WITNESS' NAME: Dr Jacqueline Moline

PAGE/LINE(S)/	CHANGE	REASON
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Dr Jacqueline Moline

21 (Notary not required in California)

SUBSCRIBED AND SWORN TO

22 BEFORE ME THIS ____ DAY

OF ____, 2019.

23

24 NOTARY PUBLIC

25 MY COMMISSION EXPIRES ____

39 (Pages 150 - 151)

[& - 78]

Page 1

&	137.4 106:15	2019 1:18 18:11,18	36 106:23
& 2:8,17 3:6,7,11	14 2:22 113:9,12	22:23 23:3 27:20	3782925 1:24
5:15 20:20 23:19	124:14	40:16 94:19,20	3:35 148:8
23:21 24:1,8,12	143.9 106:16	98:2 99:24 100:2	4
96:7,11,13 97:21	15 2:23 98:2	103:15 149:13	4 2:3,10 25:16,19
98:1,13,17 99:17	116:15,23 117:8	150:11,20 151:22	25:21 29:15
99:25 100:5	150 44:24	202 21:21,25 22:1	4.5 112:12,16
101:19 104:13,20	16 102:7	203 106:24	40202 3:13
112:11 114:3,8	17 85:1,2	21 77:21 88:13	40s 114:15
0	175 1:17	22 2:9 77:22 93:12	436 21:22
0.00002 96:25 97:3	18 1:10 94:7	25 1:18 2:10 52:7	45 123:20
97:13	19 40:17	150:10	5
00181 1:10	1950 8:24	26 2:11	5 2:11 26:17,19,22
07039 1:22	1950s 144:13,15	27 2:12,14 27:20	50 44:7 52:6
1	1960 9:1,4 51:6	47:21 48:2 49:7	500 106:23
1 1:1 2:7 20:2,5,8	142:18 145:2	53:18 81:8	50s 114:15
20:15	1963 143:21	29 98:2	51 3:7
10 2:18 19:23	1970s 128:21	290 1:22	52nd 3:7
101:2,4,7	1975 102:23 103:5	2nd 150:20	59 142:19
100 106:13,17,24	103:22 104:18	3	6
10019-6142 3:8	1979 103:2 142:22	3 2:9 22:15,17,20	6 2:12 27:6,9,11
10022 3:3	1980 9:10 142:22	30 4:24 102:15	60 51:11 123:21
101 2:18	1988 103:3	30s 114:15	142:20
107 2:19	1991 37:1 118:22	31 67:12	60s 114:16,16
10:10 1:18	1992 37:7	32 72:20 73:6,11	145:5
11 2:19 23:3	1993 37:7	33 43:13,20 44:13	638,900 124:8
107:23 108:1,4	1994 37:7	45:12,19 46:14,17	7
11/25/2019 151:3	1997 8:20,20 10:2	49:1,4,20 50:6,25	7 2:13 18:11 27:22
110 2:20	10:8	51:3,8,19 52:4,12	28:1,3
111 2:21	1:15 75:13	53:11,13,23 54:2	70s 115:24 134:17
113 2:22	2	55:12,16,23 56:9	134:18
117 2:4,24	2 2:8 20:19,21,24	57:7,25 59:19	718 1:23
11th 22:22	27:13	60:5 61:7 62:13	718-983-1234
12 2:20 110:20,23	20 2:7,8 86:24	63:19 66:2 68:3	151:2
111:8,14 112:8	140:9	68:17 69:22 72:1	73 53:18 142:24
12:40 75:9	2004 9:21	72:8 77:8,16 78:2	730 3:12
13 2:21 111:2,4,7,9	2005 9:22	78:14 80:9,21,24	78 143:4
111:19	2017 29:9,13 34:10	81:5,10,12 82:5,11	
133.4 106:12	2018 34:11,11	83:19 84:12,16,20	
	40:11,17 71:14	88:3 89:11 90:9	
		90:14	

[8 - answer]

Page 2

8	acres 123:18,21 124:14	96:23 104:9,15 105:11,22 109:4 113:17 124:9 127:11 129:21 130:10 131:12 139:25 140:11 141:2,21 142:10 147:22	ama 2:15 94:25 amber 3:4 ambient 92:25 ambiguous 113:21 amended 20:14 american 144:15 amosite 10:13,16 11:2,18,22 12:2,3 14:8 69:1,5 amount 8:7 135:13 136:2 139:24 140:24 amphibole 11:9 analyses 90:2 92:13 93:3 107:13 analysis 2:16 42:17 43:6,9,19 47:20 53:3 67:16 67:17,24 68:4,8,10 68:22 70:4 77:12 89:17 90:1 91:2 95:1 107:12,15 140:24 analysts 69:23 analytical 2:15 94:25 analyze 96:18 analyzed 43:13 analyzing 135:6 anatomical 55:4 anatomically 54:23 anderson 14:18 115:20 120:7 anna 3:9 anonymity 74:14 anonymous 37:9 50:21 answer 41:3 54:12 54:13 57:18 68:19 74:17 78:8,17
8 2:15 95:2,5 96:22 800 3:3	act 141:20 action 150:16 activities 42:11 73:19 actual 6:4 38:18 51:21 66:25 110:6 112:20 139:16 140:3 147:19 add 22:9 added 21:11,15 22:7,8 23:6,6 124:7 adding 21:3 addition 21:23 29:18 46:12 additional 7:6 13:1 15:3,13,19 18:11,20 27:18 46:11 48:8,11,15 48:22 49:19 53:20 62:19,21 63:21 75:1 77:14 103:18 105:1 109:2 122:10 additions 22:25 111:23 adequate 105:15 adult 111:15,20 112:3,7,25 advance 134:5 advice 78:21 affirmatively 112:23 age 50:23 agencies 98:25 ago 17:22,25 18:4 86:24 145:22 agree 75:16 79:4 81:11 91:12 93:22	96:23 104:9,15 105:11,22 109:4 113:17 124:9 127:11 129:21 130:10 131:12 139:25 140:11 141:2,21 142:10 147:22 agreeing 104:7 agreement 79:15 116:16 ahead 20:2 97:19 air 12:19,24 13:6 24:4 64:16 65:6,6 65:7 92:25 114:24 115:5,14,17 135:10 airborne 14:6 133:13,17 airless 59:15 aisles 125:8 133:3 133:8 al 1:8 102:24 103:2 alexandri 31:6,16 31:25 alive 58:24 allegedly 120:16 allow 109:23 allowed 60:21 allowing 22:12 allows 46:3 alternate 46:11 53:6 61:25 63:16 64:19 alternative 49:17 62:25 63:25 72:21 73:9 74:2,6 76:15 84:17 88:16,20 aluminum 94:13 94:13	ama 2:15 94:25 amber 3:4 ambient 92:25 ambiguous 113:21 amended 20:14 american 144:15 amosite 10:13,16 11:2,18,22 12:2,3 14:8 69:1,5 amount 8:7 135:13 136:2 139:24 140:24 amphibole 11:9 analyses 90:2 92:13 93:3 107:13 analysis 2:16 42:17 43:6,9,19 47:20 53:3 67:16 67:17,24 68:4,8,10 68:22 70:4 77:12 89:17 90:1 91:2 95:1 107:12,15 140:24 analysts 69:23 analytical 2:15 94:25 analyze 96:18 analyzed 43:13 analyzing 135:6 anatomical 55:4 anatomically 54:23 anderson 14:18 115:20 120:7 anna 3:9 anonymity 74:14 anonymous 37:9 50:21 answer 41:3 54:12 54:13 57:18 68:19 74:17 78:8,17
9	9 2:17 19:23 97:20 97:22,25 92 118:22 94 2:16 9485 150:21 95 91:22 97 2:17 98.4 106:23 983-1234 1:23		
a	abiding 33:6 ability 69:14 able 12:22 13:1,20 45:20 64:4 81:2 126:11 129:18 142:1 absolutely 15:16 abstract 44:10,25 45:4,7,10 academic 29:4,18 44:5 accepted 2:13,18 27:23 28:5 32:20 36:6 39:12 40:20 41:6 42:7 51:6,9 101:3,11 access 70:6 accompanied 76:25 accurate 11:14 34:6 55:22 69:2 150:13 acquired 117:16 acreage 124:2,18		

[answer - assess]

Page 3

79:8 107:16 108:21 113:4 122:4 129:18 answered 62:17 144:25 answers 78:11 83:24 84:23 anybody 44:21 anymore 10:9 113:20 123:11 anyway 7:17 19:15 54:14 126:19 apart 33:17,18 48:9 50:22 51:25 53:19 56:11,21 58:4 60:16 61:22 62:14 73:3 75:1 99:18 100:6 103:22 122:16 125:25 127:13 apologies 32:4 apologize 10:1 62:10 appear 111:21 appears 124:13 apple 17:16 119:4 127:20 application 30:23 30:24 32:19 33:8 33:16 applied 80:24 138:2,4,4,6 appreciate 18:10 19:14 64:3 79:10 81:16 89:21,25 146:19 148:4 approach 106:25 approaches 106:17	appropriate 39:22 97:10 146:17 approval 32:16,23 33:16,17,18 approximately 4:14 6:21 15:1 40:9,13 architect 123:8 architectural 123:6 area 7:25 8:11,15 9:14 15:2 64:16 66:17 115:10 125:7 126:3 128:25 areas 6:9 37:19,24 37:25 140:16 141:15 argue 99:13 article 2:19 28:8 28:10,16,22 30:3,5 30:17 32:6,24 35:3,6,15 36:10 37:12 38:21 39:12 39:14,18 40:20,23 41:7,9,11,14,15,17 42:7 43:2,6,12,23 45:2,20,23 47:14 49:5,21 50:22 51:10 52:20 55:24 60:25 61:1,8,13,21 62:13 63:7 64:9 66:5 69:8 70:20 72:11 73:13 74:5 74:6 75:18 76:7 77:6,19 78:3,15 79:3,5 80:10 82:16,22 83:6 84:11 85:10,20 86:21 88:14 91:1 92:11 101:13,14	101:15 103:13,15 103:17,22,23 104:10,17 107:4,8 107:11,13,15,17 107:24 108:12,16 108:20,22 120:8 120:10 140:8,9,14 articles 21:4 22:3 22:4,7 29:5 36:13 75:2 94:22 120:3 120:14 144:14 asbestos 5:8,9 6:5 6:9,12,13,16 7:21 7:24 8:4,12,18 9:12,12,18 10:11 10:25 11:5,7,13 12:10,14,24 13:23 14:5,23 15:14,21 16:7 22:8 23:23 23:25 24:7 26:13 41:4 44:13 45:11 45:21 47:10 48:9 51:7,25 52:10,15 53:12,20,21,25 54:9 56:10,16,20 57:1,4,10,14 60:16 61:10,19 62:5,6 63:2,5 65:3,11,18 65:20 66:3,7,17,18 67:2,4,5 68:3 71:16 72:21 74:3 75:17,25 76:9,14 76:16 77:7,11 80:11,23 81:4 82:6 84:6 86:11 87:12,16,19 88:2 88:17,21 89:2 91:13,22 92:1 93:16 96:7,8,10 97:4,14 98:4,15,18 99:11,12 102:16	102:22 104:2 114:10,11,17,23 115:5,11,13,17,24 118:22 120:5,16 121:2,14,16,18 125:11,13,17,19 126:17,22,25 127:3,10 130:8,23 131:3,11,14 133:9 133:16 134:18 135:13 136:1,9 138:1 139:14,18 139:22 140:1,2,21 140:25 141:17 142:4,12 143:24 144:2,9,12,17,20 145:4,10 146:6,24 147:5,14 151:3 asbestosis 122:6 aside 113:7 asked 7:10 17:6,7 17:8,9 24:5 32:7 33:20 37:16,18 40:5 47:13 57:21 60:11 62:16 63:5 63:10 65:16 84:23 86:15 88:23 89:7 109:15 121:18 122:4 129:22 133:20 140:6 144:25 asking 11:5 17:4 23:4 50:9 55:25 56:2 57:19,20 58:3 59:25 74:12 85:24 86:19 89:6 89:21 95:15 99:21 145:19 146:15 aspects 32:13 assess 64:4
---	---	--	--

[assessed - blower]

Page 4

assessed 76:24 assessing 61:8 72:20 76:14 77:12 assessment 14:13 89:2 97:10 assignment 151:2 assist 32:12 assistance 42:15 43:3 assistant 23:15 110:7,10,11 assisted 5:21 30:18,20,25 31:13 31:24,25 associated 2:14 12:17 27:24 28:6 29:20 94:5 137:23 association 23:9 144:15 assume 65:18 116:3 131:10 assumed 125:14 129:24 assuming 70:2 124:10 assumption 90:6 asterisk 67:15 attached 123:1 149:7 attachments 119:1 attempt 7:5 23:14 24:4 attempted 12:9 23:24 24:15 attention 55:3 123:7 attorney 25:17 attorneys 3:2,6,11 43:19 attributable 93:15	attributed 102:11 attributes 26:7 august 27:20 author 28:7 30:9 31:7 35:16 43:5 67:17,21 108:14 authored 71:17,21 71:25 78:13 authority 115:16 authors 33:24 38:20 39:15 43:7 44:16,16 57:11 88:18 available 51:18 52:18 53:6,10 66:23,25 70:2,5,25 83:25 avenue 1:22 3:3 aware 25:4 26:6 40:25 47:20 49:25 71:13 84:9 85:12 86:2 96:12 112:18 115:8 127:3 133:23 145:9,10 145:15 awkward 39:11	97:5,14 109:14 110:3 146:25 147:3 balzer 13:15 banbury 125:24 126:3 bands 138:20 base 123:13 based 7:23 14:10 15:4 43:7 51:7 54:13 55:4,7,9 61:2 64:1 65:14 73:18 74:25 76:4 76:20 77:14,16 85:7 86:17 87:25 90:23 91:5 94:1 95:9 100:17 101:17 104:9,16 106:21 112:15 122:13,18 139:18 140:25 142:7 143:11 basically 20:10 23:4 40:8 46:23 48:18 53:14 114:8 114:13 basing 69:14 71:11 basis 8:1 11:15 50:17 51:24 63:13 64:19 88:18 130:13 bay 132:1 beautiful 44:5 beautifully 51:4 began 17:25 29:16 53:16 beginning 74:20 74:24 behalf 43:2 94:21 121:7	believe 9:1,10 18:16,19 21:20 25:12 38:15 48:20 54:12 60:21 92:7 94:18,23 109:11 113:20 123:16 132:16 144:7 147:2 best 17:18 59:18 63:24 69:14,19 better 53:9 110:2 bevilacqua 30:10 30:16,25 31:3 32:5 33:25 35:18 45:5 85:6 beyond 6:19,22 7:6 13:2 35:8 87:1 87:5 137:24 binder 18:13,20 19:6,21,25 20:1 binders 2:24 7:2 15:25 16:2,5,11,16 18:8,20,25 19:19 19:24 20:10 26:25 116:6,9,17,23 117:7 biomarkers 37:5,7 biphasic 54:25 bit 7:18 32:14 41:23 67:6,11 84:25 106:7 117:23 121:20 143:18 bits 127:18 black 136:15,15 blew 132:15 blinded 37:10 blood 150:16 blow 135:9 136:25 blower 132:21
--	---	--	--

[blowers - certainly]

Page 5

blowers 132:11,15 132:19,24	burdens 91:15	16:15,20 17:21,23	59:19 60:5,14
blowing 132:12	bystander 142:13 143:17	18:3,6 23:18 24:5	61:7,17 62:24
blue 17:5	c	26:4 28:13,19	63:19,25 64:12
board 32:21 36:19 36:21 79:1	c 1:2 3:1 4:1 111:9 150:1,1	29:1 31:20 33:4	66:2 67:7,18,25
bore 70:19	cabibi 111:9 112:7	34:17,20 35:20,23	68:3,8,11,15 69:2
bottle 95:21,24 98:3 99:17	calcium 138:5,11	36:14 39:22 40:6	69:3,4,22 70:3,8
bottom 66:11	calculation 24:6 97:16 124:10	45:24 46:2 50:6	71:13,21 72:9
brake 76:24 120:23	calculator 124:19	50:12 51:8,17	73:6,11,16,16,21
brandt 36:24 39:17 40:2	calendering 8:11	52:15,25 54:15	74:19,21 76:22
break 21:2 27:1,3 75:6 107:21	california 151:21	57:17,20 58:7,10	78:14 80:9,22,24
breaks 127:18	call 17:5 38:16 50:5 128:9,10	59:23,25 60:7	81:5,8 83:19
breast 25:6,7,13	called 1:15 39:17 123:3	61:9,14 63:4	84:16,20 88:7,9,22
breathe 15:21	cancer 22:9 24:23 25:4,4,6,7,8,8,9,11	66:10,15 68:5,23	93:14 106:22
brenda 1:16 150:6 150:23	25:13,14 37:6 105:9,24 106:21	70:12,13 71:2	109:5,7 120:22
brief 4:20	cancers 25:1,2 106:14	72:1,13,18 73:24	121:10,13,14,16
briefly 20:9 111:1	capacity 43:14 122:16	74:2,21,23 75:19	145:22
brilliant 32:10	captioned 1:15	75:20 77:10,22	cataloging 52:7
bring 84:4	car 67:2	80:19,20 84:7	categories 89:8
broader 4:11	carbon 136:14,15	94:2,3 95:20 96:4	cause 11:11 94:2 101:19 143:17
broadly 99:21	care 148:1	108:17,25 109:11	caused 14:5 80:13
broken 127:13	career 37:3	111:9,10 112:4,7,9	causes 11:5 93:23 106:10
bronchus 106:15	careful 93:25 94:6	113:1 115:1	cc 12:14,14 97:9 97:17 112:13,14 112:16
brother 25:9	carolina 134:1	116:11 117:15	cc'd 34:1
brought 15:24 16:12 65:11 116:7 120:16 143:24	carolyn 1:3 5:6 151:3	118:10 119:22	ceiling 125:20 128:1,9 129:1,6
builder 8:11	carpenter 5:18 6:11 7:1	133:7 134:14	cement 22:8 121:2
building 6:10	carrying 19:21	142:23 145:16	censored 2:19 107:25 108:13
buildings 65:16 124:7	casale 120:8	151:3	certain 22:3 25:2 37:19,23 59:12 70:9 78:7
built 125:4 142:16 145:2	case 1:10 4:12,23 5:1,3 10:23 11:2 11:18 15:24 16:14	cases 28:23 29:6 29:15,17 30:19 35:1 43:13,20 45:12,19 46:6,10 46:14,19,21 47:2 47:15,21,23,25 48:3,3,4,5,7,7,10 48:12,15,16,18,21 49:4,9,10,16,25 50:10 51:17,18,21 51:23 52:3,9 53:10,16 54:8,15 55:12,16,19 56:9 57:12,25 58:8,9	caused 14:5 80:13
bulk 97:8			cc 12:14,14 97:9 97:17 112:13,14 112:16
			cc'd 34:1
			ceiling 125:20 128:1,9 129:1,6
			cement 22:8 121:2
			censored 2:19 107:25 108:13
			certain 22:3 25:2 37:19,23 59:12 70:9 78:7
			certainly 11:6 12:20 24:11,22 27:19 46:21 54:8 60:22 66:1 68:13 70:6,11 72:7 73:7 79:1,13 86:1

[certainly - compensated]

Page 6

121:10 130:21 135:13 144:15 certainty 68:20 126:12 certificate 2:15 95:1 102:12,21 103:25 certify 149:4 150:8,15 challenging 12:19 chances 62:20 change 10:2 113:5 134:25 135:18 136:7 151:5 changed 34:3 39:3 112:17 changes 23:5 37:12,15 38:5,24 42:20 76:24 characterization 105:21 chart 111:23 chemical 121:15 chemicals 121:17 chicken 138:18 chief 36:22,23 childhood 24:13 chinese 96:4,7,10 96:13 98:18 choice 49:14 choose 46:19 48:4 50:25 52:12 138:22 choosing 46:6,17 55:11 chose 51:3 68:11 chosen 55:20 chrysotile 10:14 10:16 11:9,19 12:2,3 14:8 91:13 91:18,23,25 92:4,9	92:12,21 93:4 96:13,16,18,19,23 97:4,14 ci 1:10 circle 65:23 circuit 1:1 circulation 110:4 circumstance 83:2 circumstances 82:18 120:21 citations 13:11 cited 72:2 79:7 140:8 city 65:15,19 civil 1:16 claim 103:7 claimed 64:17,18 clarification 37:18 37:23 38:1 clarifications 33:20 clarify 19:18 134:10 clarity 37:19 classes 37:3 classics 13:16 classification 55:10 clean 128:11 cleaned 128:14 cleaner 9:17 136:12 cleaning 15:18 128:4 clear 52:21 79:2 81:19 106:6 110:5 116:10,20 clearly 66:1 clinical 34:22 55:24 74:23 79:16 80:1,21	clinician 34:20 87:18 close 59:3 106:1 106:19 closed 10:8 closely 35:17 closer 106:24 clothes 14:2,2,4,5 14:14,24 15:12,20 135:10,14 136:2,3 136:9,12 clothing 15:7 120:17 coating 139:11 coded 103:8 cohort 102:2,3,8 103:5 107:14 collaborate 28:15 28:21 34:19 collaboration 89:12 colleague 21:18 colleagues 21:16 39:25 41:24 42:5 collected 33:12 collecting 88:6 collection 31:15 colon 25:11,14 columbia 37:2 combination 10:13 35:22 combined 11:24 11:25 124:14 come 13:9,13,17 30:6 31:16 32:5 79:25 93:4 95:16 122:12 128:11 131:23 132:6 137:12 139:12 comes 127:17 138:7,9	comfortable 79:2 137:25 coming 39:11 62:11 133:2,5 commencing 1:18 comment 59:21,23 60:2 73:20 74:13 80:17 120:3 121:18 136:6 140:22 comments 38:2 55:19 95:17,17,19 119:21,25 commercial 91:22 commission 151:25 common 34:25 91:13 commonwealth 1:2 communicate 40:22 communication 38:25 communications 33:14 38:7,19 39:13 community 1:17 65:15 67:3 114:19 114:21 companies 134:1 company 43:4 98:22 99:10 146:16 company's 146:10 comparative 81:3 compared 136:8 136:21 compensated 43:18 46:25
--	---	---	--

[compiling - corporate]

Page 7

compiling 30:18 53:16 complete 107:16 completed 143:4 completeness 6:17 complying 21:4 components 94:15 compound 115:11 115:22 comprehensive 10:18 83:24 106:3 109:16 134:23 comprehensively 20:12 51:12 computer 35:25 36:4,5 conceivably 127:20 concentrating 129:15,17 concentration 96:23,24 concept 123:23 131:16 concern 105:15 concerns 81:21 concise 89:15 conclude 88:19 93:23 104:11,18 concluding 92:12 conclusion 93:11 100:19 105:3,4,11 107:2 122:12 146:12 conclusions 42:17 43:6 70:18 146:9 condition 145:12 conduct 7:5 47:19 81:12 83:3 conducted 32:15 133:24	conferred 87:17 confidence 106:13 106:16,20,22 confident 70:13 conflating 93:6 conflicting 112:11 confronted 63:14 confused 143:8 conjecture 64:2 76:4 conjunction 134:13 connected 125:7 connection 13:24 16:19 18:3 26:3 30:17 31:17 32:1 32:5 34:5 35:3 47:20 51:6,7 56:6 60:24 61:6,21 62:13 63:7 64:8 69:7 70:7,11 71:19 73:13 75:18 77:6 84:11 85:9 85:20 89:17 94:20 107:4,7 113:13 consent 50:20 consider 56:14 66:22 consideration 60:13 63:19 86:4 considered 52:23 54:10 56:10 62:8 73:13 74:6 75:17 78:3 93:15 116:11 127:10 consistency 68:11 consistent 75:2 90:20 91:17,21 92:8,17,20 96:9 114:25	constructed 142:21 construction 62:7 126:18,21 consulted 107:3 consulting 31:1,4 32:2 contain 127:10 contained 16:2,11 16:15 26:24 97:13 125:19 131:11 139:21 containing 6:12,13 125:13 131:11 138:1 146:6 contains 97:3 126:25 contaminated 93:16 contaminates 15:2 contaminating 15:17 contamination 100:20 content 30:8 45:6 109:22 110:8,15 115:25 contents 2:23 14:10 116:8,17 117:6 context 43:9 44:22 47:9 66:6 99:8,14 110:14 continental 3:12 117:15,17 continued 54:1 75:14 continuing 31:22 contracted 139:6 contractor 43:5	contrary 79:8 contributed 23:22 86:21 contributing 24:19 contribution 24:15 control 35:11 85:1 85:2,11,12,14,16 85:19,25 86:15 87:2,6,8,10,11,14 87:23 89:17 90:3 90:21 91:11,15,25 94:16 controls 85:7 conversation 28:14 34:4,8,12,15 34:24 40:3,10 41:18 conversations 37:6 39:23 40:25 41:11,15,24 47:5 85:13 conversely 82:13 convert 97:7 124:17 converted 97:9,17 convey 42:23 cooper 13:15 copy 2:13,18,19,20 2:21,22 18:23 22:21 27:23 38:10 38:13,15,17 42:14 44:11 66:12 101:3 107:24 108:9 110:22 111:3 113:8 116:8,23 corner 124:6 corporate 112:12 113:4
---	--	--	---

[correct - department]

Page 8

correct 22:24 26:4 26:14 29:10,16 30:10 31:7,8 35:6 36:8 43:15,17,20 45:7 47:17,18 54:23 56:7 58:11 58:12,14,18 59:1,4 59:7,8,10 67:22,23 69:8,9,20 70:8 72:19,23,24 73:14 74:7 76:6,10 77:23,24 78:4,6 79:6,19 80:4,8 81:13 82:16 83:4 83:5,8 84:6,13,18 84:24 87:24 89:4 91:9 92:1,5,8,21 103:13 104:4 110:12,13 111:21 111:25 112:1 118:23 119:5,6 123:15 124:11,15 126:4,5 128:2,22 129:1,12,23 131:9 131:15,24 132:2 135:16 137:10,14 141:14 142:8,19 142:20 147:12 149:5 corrections 149:6 correctly 42:18 44:14 45:12 53:22 56:12 61:19 66:19 67:19 77:4 80:25 87:20 90:12,16 102:18 103:9 105:9 correspondence 18:22,24 cosmetic 2:14 27:25 28:6 29:6	29:21 36:13 46:1 48:9 52:11 53:17 54:9 56:21,24,24 60:16 64:25 93:16 93:23 counsel 7:7 16:24 19:3,8 38:14 58:10 70:14 78:10 78:19 79:10 107:7 109:1 110:15,16 110:16 116:3,5,16 119:18 148:3 count 44:3 counted 11:7 51:20 90:10,14,21 91:1,7 county 150:4 couple 21:9,23 29:3 38:2 39:1 49:15 100:14 110:3 116:4 120:6 125:8 142:9 course 28:20 53:4 55:24 80:21 courses 34:22 115:9 court 1:1,21 59:17 79:14 116:8 118:7 151:1 cover 18:7,14 covered 147:16,21 covering 131:2 create 109:20 creating 89:10 creative 64:15 credible 65:22 66:3 creek 125:4 criteria 52:11 53:12,19	critical 108:13 critically 101:15 criticized 100:25 crocidolite 69:1,5 69:23 crucial 80:6 crystals 94:14 cumulative 23:22 24:16 current 25:24 currently 30:14 116:12 curriculum 2:9 22:16 83:11 cut 9:5 127:13 cv 22:21 23:1 109:21 110:6,10 d d 2:1 daily 130:13,24 131:4 133:6 data 12:21 31:14 33:11,12 43:11 57:15 61:16,22 63:1 64:22 66:22 66:25 70:19,25 85:8 89:13 122:7 date 18:12 20:6,22 22:18 23:5 25:19 26:20 27:9 28:1 42:11 95:3 97:23 101:5 108:2 110:24 111:5 113:10 117:9 151:3 dated 18:11 22:21 23:3 98:1 daughter 16:7 day 31:21 130:19 130:20,22 133:3,8 149:13 150:20	151:22 days 114:24 115:5 115:18 124:22 deal 78:9 102:5 dealing 79:18 dearth 85:16 death 102:11,12 102:14,20,22 103:4,7,21,25 104:11,17 106:11 deaths 105:5 106:10 deceive 81:24 december 150:20 decide 36:10 decided 28:15 47:23 48:2 50:4 decrease 135:13 136:2 defendant 3:6,11 70:6 145:16 146:9 defendant's 147:7 defendants 1:9 141:16,19 defense 43:2 58:17 58:20 70:12 defer 12:17 define 4:10 54:18 definitely 125:5 134:12 definition 55:6 146:24 degree 30:14 31:11 68:20 120:18 126:12 delayed 17:24 40:18 demonstrated 10:24 department 39:25 42:2 128:18
--	---	--	--

[depend - doors]

Page 9

depend 60:23	131:18 132:14	differentiation	129:5
dependent 84:23	141:7 143:21	46:2	discussing 42:5
depending 113:5	describes 91:5	difficult 74:13	discussion 8:10
depends 63:9	describing 32:19	diffusing 122:16	28:20 35:21 48:1
109:10 120:21	51:11 129:9,19	diffusion 5:18	69:1 75:23 77:25
134:21 138:3,16	description 2:6	digestion 28:22	83:11 85:1 86:1,3
deposed 57:20	15:5 73:24 88:24	35:13 37:21,25	89:25 94:8 96:3
59:9,12,14 74:1	124:2,25 125:3	47:1,13 48:2,14	discussions 37:17
deposit 96:4,7,14	132:11 143:22	50:2 68:14,17	disease 94:4 105:8
deposition 1:6,15	descriptions 7:23	69:6,22 70:23	143:18
1:16 2:7,10 4:9	12:24 35:24 80:19	71:1,12	diseases 105:16
7:3,13 16:6,9,9	123:25	digestions 35:4,5,8	disruption 131:1
17:8 20:4,14,14	design 94:1	47:8,16 48:17	distinction 125:5
25:18,22,25 53:5	detail 4:15 68:9,23	71:12 78:2 90:25	132:25 144:3
57:16,21 61:6	80:21 106:8	91:6	distinctions 125:1
63:6,10 64:7,7	detailed 7:19	diminished 9:13	disturbed 12:25
65:2 66:4 73:12	details 85:10	direct 6:11	disturbing 13:8
73:19 74:4,4 76:4	detect 105:16	directly 36:3 56:4	division 1:1
77:14 82:23 83:18	determination	70:19 89:14	divorced 9:24,25
109:2 118:11	81:3,3	136:15	docks 137:2
119:8 123:1,13	determined 76:16	dirty 136:18	doctor 19:15 20:7
130:3 134:5 149:5	determining 56:15	disagree 79:11	20:23 28:2 45:9
150:10 151:3	developed 44:20	124:9 129:21	75:16 84:5,13
depositions 8:5	developing 11:23	140:11 142:25	88:7,8,10 98:5
58:22,24 61:6,12	30:21	discern 45:20	101:7 146:20
63:14 65:25 88:15	development	disclosure 42:21	doctors 80:7 138:3
88:19,22,24 89:4	42:16	141:15 142:10	document 23:15
112:17 119:2,10	diagnosed 54:17	143:15 146:11	96:20,21 108:4
119:11 123:2	122:6	147:4,22	110:6 124:5
126:10,19 129:8	diagnosis 50:23	discredited 122:23	documented 98:24
145:20,21	diapering 111:15	discuss 38:14 42:3	documents 2:23
derived 122:7	111:20,25 112:3,8	42:6 49:10 71:5	19:7 21:1,7 26:24
describe 7:20	112:25	77:22 78:1 85:10	117:7 118:20,25
34:21 44:11 46:5	died 9:25 25:13,14	101:21 109:1	122:25 142:23
48:3 51:5 67:2	different 11:13	122:19	143:13
described 35:10	19:20 22:4 30:2	discussed 4:23	doing 6:4,8 12:21
35:12 37:20 51:13	57:5,6 68:10	26:25 47:8,17,21	15:3 28:13 29:1
56:17 62:7 64:23	130:5 137:22	47:22 49:20 80:9	42:12 138:17
88:1 89:19,23	138:21 140:12	82:15 83:10 84:21	143:23
90:22 91:3 104:21	differentiate 55:4	85:14 89:3 92:5	doors 132:1
127:21,22 130:7	55:7,9,11	115:10 116:5	

[dose - et]

Page 10

dose 24:2,5 double 39:6,9 94:9 dr 2:8,9,10,11,12 4:6 12:18 13:20 16:8,9 17:1,5 19:22 20:20 22:16 22:19 25:17,20 26:2,18,21 27:7 28:17,20 34:5,16 34:18,23 35:2 39:17 40:2 46:24 46:25 47:6,17,19 48:5,13,13,16 49:3 49:12,21 50:1 51:5 67:22 68:6 68:18 69:6 70:4 70:24 71:8,10 74:12,17 78:11,12 78:23 85:4,5,7,10 85:19,23 86:7,17 86:18,20,23 87:2 87:24 89:9,14,16 89:20 90:18,23 91:1,5,7 95:4 97:24,24 101:6 108:3 116:6,11 117:12,25 118:9 121:20 125:15 126:6 127:8 129:22 130:4,6,7 140:6,16,17,20 143:15 146:23 147:2 151:4,20 draft 28:8 29:24 41:14 drafted 35:20,23 85:4,5 drafting 35:15,16 35:18 45:4 52:19 85:9	drafts 30:3,4 41:9 drawing 123:6 dried 14:4 139:6 drive 1:17 125:8 driving 144:4 dry 5:24 due 102:22 103:21 104:11,17 105:6 duly 4:2 150:11 duplicative 17:3 37:18 dust 8:7 14:2 15:17,20 127:22 127:22 132:12,15 133:9 136:25 137:5,8,11 141:7 dusty 136:13,16 136:18 duties 141:19 duty 146:4,10,15 146:21,22	effect 126:16 effective 133:11 effects 2:19 107:25 108:12 114:12 egilman 108:14 eight 48:21 76:24 137:21 138:25 139:5 either 8:2 49:2 53:4 55:10 82:21 143:1 element 80:6 133:6 elevated 106:2,11 107:1 elicitation 93:17 elizabeth 21:19 ellenbecker 7:10 12:18 13:20 118:9 125:15 127:8 129:22 130:4,6,7 140:6,16,20 ellenbecker's 16:9 140:17 147:2 elongated 2:19 107:25 108:13 embarked 74:24 emphasize 68:25 employed 102:13 employees 101:12 134:25 145:3,6,22 employment 9:4 102:15 enclosing 18:11,24 encounter 55:23 encountered 5:10 encounters 15:22 encouraged 39:20 endeavor 50:19 74:25	ended 49:20 ends 39:10 107:20 ensure 33:5 48:11 87:18 116:9 entails 33:11 enterprises 1:8 entire 23:21 98:7,9 entitled 2:13,19 27:24 28:5 87:3 107:24 130:6 entrainment 8:4 environment 6:8 9:17 129:20 environmental 23:9 36:7 40:21 66:19 envisioning 39:18 epa 100:25 epidemiology 32:10 episodic 130:9 epithelioid 55:1 equipment 125:24 equivalent 12:6 errata 151:1 erroneous 6:20 errors 39:2 especially 106:19 esq 3:4,8,9,13 essential 51:25 essentially 115:5 established 147:8 estimate 13:9,14 24:2,3 44:3 54:5 111:15,15,20,20 112:3,8 estimates 112:25 estimation 53:11 53:24 et 1:8 102:24 103:2
--	--	---	--

ethics 79:8	115:11	expert 16:18 17:20	54:9 56:19,21,23
evaluate 81:8	exceeded 147:8	43:14 47:1,9	56:25 57:4 59:1
evaluated 80:22	excerpt 98:8,11	58:16 70:6,7,12	61:10,16,19,22
evaluating 63:2	excess 105:5,7	75:19 78:12,13	62:5,24,25 63:1,5
67:8 71:16 83:23	excluded 46:14	146:11 150:9	63:11,11,12,16,21
94:4	49:16 51:24 52:23	expertise 100:18	63:25 64:13,19
evaluation 84:20	53:7 63:17 77:2	140:20 146:14	65:3,14,18,20 66:3
93:1	excluding 52:14	experts 41:4	66:7,17 67:5,8
evens 12:7	exclusion 53:19	expires 151:25	68:4 73:10 74:2,6
eventually 116:23	exclusions 52:8	explain 106:7	77:1,3,7,11,14
136:3	exhaust 132:8	explained 40:6	79:17,21 80:2,6,11
evidence 24:23	exhaustive 88:16	explicit 47:14	80:24 81:4,11,13
62:4 64:13 65:17	88:20	86:22	82:6,10,15,19,20
93:14 94:1 105:5	exhibit 20:2,5,8,15	explicitly 96:17	83:3,8,21 86:9,11
105:8,18,23 146:3	20:19,21,24 22:15	102:21	86:12 87:12,13,17
evident 105:19	22:17,20 25:16,19	explosion 114:17	87:19 88:17,21
ewald 2:3 3:8 4:5	25:21 26:17,19,22	exponent 2:18	89:3 92:1,8,17,20
18:23 19:5,22	27:6,9,11,13,22,25	101:3,11	93:18 94:5 95:23
20:1,13,18 22:14	28:3 29:15 95:2,5	expose 144:9,21	97:3,5,13,15
25:15 26:16 27:5	96:22 97:20,22,25	exposed 8:18	102:16,17,21
27:21 38:12 75:7	101:2,4,7 107:23	10:11 11:19,20	104:2 111:24
75:15 78:19,22	108:1,4 110:20,23	14:6,23 77:9	120:5,9,11,15,22
79:10 97:19 98:21	111:2,4,7,8,9,14	95:24 120:17,18	120:23,25 121:3
99:21 100:3 101:1	112:8 113:9,12	126:7 131:14	130:8,15,23
107:23 108:10	116:15,23 117:8	140:2 141:22	139:25 140:4,7,10
110:20 116:1,21	exhibits 2:5 19:23	142:11,12 147:6	140:23 142:4
116:25 117:3	99:20	147:13,24,25	143:17,22 145:3
148:5,7	existed 60:18 72:4	exposure 5:11,17	145:11,14 146:24
exact 10:20 29:11	existing 141:22	5:20,25 6:3,5,16	147:7,18,19
51:20,20 52:2,5	exists 11:24	6:18,21,23,24 7:19	exposures 5:7,9,15
139:24 140:15	123:11	7:21,22 8:12 9:13	9:3,6 11:6 13:8
exactly 9:15	expanded 143:7	10:6,7,8,16 11:8	14:20 22:6 24:7
examination 1:6	expanding 143:8	11:24 12:10,15,25	44:12 46:11,11
1:15 2:2 4:4 75:14	expect 91:24	13:2,23 14:1,8,13	48:15,22 49:17
117:10 150:12	expected 70:24	15:13,19 22:5	51:25 56:9,16
examined 4:3	141:16 143:16	23:18,23,25 24:11	57:10,15 60:15
example 11:2 44:7	147:5,23	24:14 26:14 29:7	62:1 63:3 64:5,15
45:22 46:3,12	experience 67:8	29:17 44:14,20	66:19,22 72:21
52:17,22 53:1	experienced 12:10	45:21,25 46:1	75:17,25,25 76:5,9
56:22 59:4 62:3	12:15 15:14	48:11 51:11 52:16	76:15,16,23 84:6
106:20 109:11	129:24	53:2,7,12,20,21,25	84:17 88:2 120:13

[exposures - forgot]

Page 12

140:22 147:17 extensive 24:12 61:18 76:21 79:17 79:21 80:2 88:2 120:25 extent 10:24 11:21 61:5 69:4 74:18 96:3 100:7 108:24 119:3 133:8 136:1 142:11 external 42:15 139:11 eyewitness 128:19	fairly 73:17 fairness 118:18 143:3,10 fall 139:1 fallen 8:4 129:19 130:16 falling 128:1 129:5 129:16,17 130:9 130:15,18 145:13 falls 15:20 familiar 83:22 113:14 134:4 family 17:11,12 24:22,25 25:3,4 58:25 61:23 82:24 83:17 84:11,24 86:12,12,15 144:9 144:21 fans 132:8 farm 135:23,25 farming 124:22 fashion 14:6 father 5:17 25:8 father's 6:3 7:1 fda 94:19,21,23 95:14,15 96:5 98:4 99:15,23 100:4 fda's 95:10,16,17 95:18 features 50:22 february 18:15,16 18:18 fed 125:21 federal 1:16 98:25 feeding 100:8 feel 6:17 feels 79:2,6 feet 124:8,17 137:21	feinstein 32:16 fell 8:1,2,2 127:14 128:8,25 129:9,14 137:17,19 139:7 139:13,16,21 fellowship 37:5 felt 17:2 29:7 32:25 33:5 37:16 68:7 112:18 female 55:13 fiber 11:15,15,23 11:23 12:14 97:9 97:17 136:9 fibers 11:14 12:14 90:10,14 91:8 112:13,13,14,16 135:13 136:1,7 144:20 fibrous 92:24 93:8 field 36:12 136:10 figure 124:12 figures 111:19 film 122:21 final 39:2 93:11 financial 99:11 find 39:5,6 73:23 73:25 91:24 98:4 98:15 99:4,12 102:4 134:16 finding 96:8 98:23 99:5,6,6,11 101:22 findings 92:4 96:10,12 107:4 fine 107:9 117:22 146:15,20 finish 60:1 finished 96:9 107:19 135:8 142:20,21,24 firm 18:21 19:4,17	first 4:1 5:12 6:2 7:19 18:2 28:7 55:4 61:16 64:6 65:1 74:3,20 81:15 102:5 103:11 105:12 108:14 114:1,7 117:23 118:14 128:18 130:18 138:6 143:20 146:19 firsthand 129:25 fischbein 115:21 fitting 51:10 fitzgerald 1:17 150:6,23 five 91:2,4 102:14 130:22 fixed 39:1 flesh 34:20 floor 8:2 15:18 131:3 133:9,16 139:14,17 floors 133:8 focus 48:18 49:4 49:13 50:3 134:18 folks 7:17 follow 99:24 102:2 102:23 148:3,5 following 78:20 102:15 follows 4:3 foot 138:7,25 139:5 footage 124:3,7 fordyce 103:15 104:17 foregoing 149:4 forenoon 1:18 forgot 121:20
f			
f 75:11 150:1 fabric 136:7 face 98:22 99:7,9 99:13 facile 109:24 facilities 121:12 facility 121:4,5,9 123:18 136:19 142:16 fact 63:13 64:1,19 76:4 86:2 89:3 91:22 105:14 121:25 145:9,12 factor 65:16 factual 146:13 faculty 42:4,7 failed 32:4 fair 15:25 26:2 52:20 59:19 88:3 108:23 109:17 120:19 122:13,24 124:23 128:15 130:13,17 131:8 133:10 135:15 137:9 138:7 139:15 147:14			

fork 125:8 forklift 135:9 141:3,11 144:4,10 144:22 forklifts 8:3 131:2 141:7 forks 141:13 form 5:5 6:6 7:8 9:8,9 13:4 14:9 15:15 21:13 24:21 26:10 28:9 38:9 38:22 39:16 41:8 42:1,9,25 46:8 47:4,11 48:19 49:6,24 50:8 60:8 60:19 63:8 64:10 66:24 70:1,21 73:15 74:9 76:18 81:14 87:9 88:4 89:5 91:20 92:14 92:22 93:20 95:13 97:6 100:21 113:2 114:6 115:2,19 120:20 121:21 122:2 124:16 129:3 130:14 134:20 135:2 136:5 137:6,13 138:15 139:2 140:13 141:24 142:6 144:11,24 145:8 146:7,20 147:15 format 45:3 formatted 23:15 former 145:22 forth 75:22 125:9 150:11 forward 17:24 112:23	found 65:1 69:2,5 71:9,10 92:9,12,15 92:25 93:3,4,7 94:16,18 95:11 96:10 114:12 four 6:21 12:4,5 25:23 fragments 38:3 free 31:23 freedom 44:5 freight 131:20,22 frequency 14:22 friable 127:10,13 127:15,20 friday 4:21 friend 59:3 front 19:15 67:2 fudge 122:15 full 65:23 87:14 93:18 function 118:4 funding 42:14,21 funds 42:15 further 63:19 67:6 73:18,20 79:5 80:17 87:1 105:5 122:20 150:15 future 135:4	54:19 57:8 59:5 60:9 76:22 83:12 87:11 92:25 93:8 93:9 115:3 117:16 117:20 118:20,24 120:5,19 122:25 123:9 126:8,15 133:25 134:7 139:23 140:2,4,5 141:23 142:4,12 142:15 144:7,19 144:21 145:25 generally 16:3 96:4 120:14 generated 8:8 generating 58:6 generation 61:12 71:24 72:8 genetic 24:23 25:1 genetics 24:19 gentleman 122:22 getting 11:10 33:17,18 137:24 give 29:11 44:2 46:3 51:21 52:5 54:11 70:15 114:13 126:11 given 48:20 61:5 103:12 134:9 138:24 144:22 150:13 giving 63:3 glanced 20:9 gleaned 125:22 go 7:14 20:2,11 22:12 61:14 73:18 79:5 87:5 94:7 97:19,24 109:21 120:13 146:23 147:9	goes 87:15 102:20 going 4:18 9:16 12:18 22:2 25:15 27:3 32:9 33:11 33:12 45:14 46:23 50:4 52:3,24 53:23 71:5 72:15 74:8 75:3,4 78:8,8 79:7 86:5 87:4 90:18 98:5 100:6 107:9,18 108:11 110:25 111:1 112:23 116:1 117:19 121:24 125:15 135:10 136:10 141:4 good 4:6,7 19:2 32:10 google 124:19 gordon 28:14,17 28:20 34:5,16,18 34:23 35:2 46:25 47:6,17,19 48:5,13 48:13,16 49:3,12 49:21 50:1 67:22 68:6,18 69:6 71:8 71:10 85:4,5,10,19 85:23 86:7,18,20 86:23 87:24 89:9 89:14,16 90:18,23 91:1,5,7 gordon's 70:4,24 85:7 86:17 87:2 89:20 government 141:19 governments 141:18 graduate 30:14 grammar 113:19
	g		
	gaseous 5:18 gather 129:23 gault 2:4 3:11,13 9:9 14:9 15:15 117:11,14 119:19 130:17 133:22 137:15 146:18 148:2 general 5:12,13 7:20 9:2,6 10:8 15:9 17:15 24:9 27:13 46:9,16		

[grammatical - identification]

Page 14

grammatical 39:1 graves 1:1 great 1:17 117:3 greater 80:20 94:3 120:17 greenstone 109:5 109:15 greeting 15:20 gross 24:3 group 39:15 86:15 87:6,14 90:3 91:11 102:4 growth 114:17 guess 44:8 78:16 78:19 89:24 109:18 141:9 144:3 guidelines 45:1 79:9	harvard 134:2 hat 29:18 hats 29:19 hazard 114:10 134:19 144:17 hazards 114:9 134:2,24 140:22 144:12 head 124:21 health 1:17 2:19 30:13 32:16 33:2 33:3,9,15 50:16 107:25 108:12 114:9,10,12 134:2 134:19,24 141:20 144:12,17 hear 30:9 100:12 100:14,15 117:12 heard 92:23 118:2 hearing 53:22 77:4 heater 132:21 heaters 125:21 132:11,20,24 141:5 held 150:10 help 18:10 23:16 43:4 133:10 136:2 helped 5:22 30:22 helper 5:18 helpful 7:16 95:8 helps 21:16 hereinbefore 150:11 heretofore 51:12 hereunto 150:19 herrin 117:25 121:20 herrington 3:6 hiccup 40:17	higher 11:22,22 54:4,6 121:3 highest 96:24 highlight 119:20 highlighting 119:15 hipaa 50:16 78:24 historical 51:14,15 histories 61:14 66:10,16 83:8,12 83:14 86:9 history 24:22,24 25:3,4 51:1 79:17 79:21 80:2,6,11 81:11,13 82:6,11 82:15,19,20 83:3 83:21 92:1,17 93:17,18 98:24 hit 141:4 hofstra 31:13 hold 86:5 home 14:19 15:8 15:12 22:5 46:1 46:13 56:25 57:2 57:2 62:6,7 65:11 120:9,11,12,16,22 120:25 135:10,14 135:18,22 143:24 144:20 honestly 33:21 44:2 52:5 63:22 81:15,17 hopefully 52:24 hose 135:10 hot 66:13 hour 75:4 107:19 hourly 43:18 hours 4:8,14,16 43:22 44:1,3,7 114:24	house 15:17,18 136:4 143:25 144:20 household 15:2 56:19 143:17,22 147:17 huge 124:4,23 hugging 15:21 human 33:7 humans 33:1 husband 5:11,12 5:13 7:20 15:7 26:14 46:2 122:5 husband's 13:24 14:24 24:9 hygiene 7:12 115:9 hygienist 7:13 13:21 140:18 hypothesis 64:1 134:21 hypothetical 58:7 63:12 64:5 74:10 76:3 89:6 hypothetically 60:4 64:21 74:16
h	hairdressers 56:23 half 12:4 75:4 hand 19:6 64:22 124:6 150:20 handing 20:7,23 22:19 26:21 27:10 28:2 101:6 108:3 handwritten 2:11 26:18,23 hang 5:22 hanging 5:24 happen 74:16 125:11 130:12,19 135:4 happened 31:23 64:11 87:23 131:7 happening 63:22 happy 59:14,16 109:3 hard 64:13	hit 141:4 hofstra 31:13 hold 86:5 home 14:19 15:8 15:12 22:5 46:1 46:13 56:25 57:2 57:2 62:6,7 65:11 120:9,11,12,16,22 120:25 135:10,14 135:18,22 143:24 144:20 honestly 33:21 44:2 52:5 63:22 81:15,17 hopefully 52:24 hose 135:10 hot 66:13 hour 75:4 107:19 hourly 43:18 hours 4:8,14,16 43:22 44:1,3,7 114:24	i
			idea 28:8,16,19 37:10 57:18 123:17,23 ident 2:6 identifiable 33:3 57:3 84:8 identification 20:6 20:22 22:18 25:19 26:20 27:9 28:1 53:6 95:2 97:23 101:5 108:2 110:24 111:5 113:10 114:10,11 117:8

[identified - interviews]

Page 15

identified 5:10 35:6 44:11 47:2 48:16 50:9,12,21 52:15 56:10 62:14 69:23 72:12 74:3 77:6 78:15 91:14 94:15 97:25 identify 25:21 26:13 28:3 37:24 52:10 63:4 103:7 108:7 115:16 identifying 50:22 identities 78:14 idiopathic 93:15 ignore 69:24 ilo 121:21 imagine 43:24 imbedded 136:7 immaterial 31:11 immediate 135:4 immediately 15:8 impact 96:2 impacted 10:6 95:23 impeached 60:12 imperative 93:18 implications 51:15 important 29:7 30:8 33:5 68:7 83:21 112:19 inadequate 105:19 include 6:18 25:25 35:19 40:24 46:22 48:23 54:3 58:13 58:16,21 60:13 77:16 85:14 106:13 112:21 included 6:11 10:18 18:8 19:18 20:10 27:13 43:7 45:22,25 48:24,25	49:1,2 53:1 54:10 59:24 61:18,25 62:2,9,18,22,24 64:20 67:1 71:6 73:21 88:15,19 100:22 107:15,17 109:22 116:17 includes 58:23 including 42:12 85:17 86:22 127:22 incorporated 23:7 23:12 increase 105:16 106:1,4 137:4 increased 105:8 105:23 independently 89:22 122:12 indicate 25:1 indicated 25:3 individual 46:6 54:17 55:13 57:6 61:23 62:5,9 63:20 65:8,17 75:20 77:2 82:24 82:25 84:24 103:25 104:25 120:15 individuals 39:14 39:24 41:3 44:13 51:8 55:23 59:2 67:1 86:10 87:12 91:25 92:16 120:23 121:11 136:9 industrial 7:12,12 13:21 115:9 126:8 126:14,24 140:18 140:22	industries 104:23 industry 66:18 67:5 102:14 104:22 inform 10:22 95:19 96:5 98:16 101:18 103:15 information 5:16 5:20 6:19,25 7:4 13:21 33:2,3 35:11 50:16 53:5 56:14 58:4,5 59:1 59:3 61:3 62:19 62:21 64:21 65:22 68:24 75:1 76:5 76:19 77:15,17 78:24 80:23 81:4 81:23 82:22 83:25 87:1 100:8,10,12 100:16 103:5,18 103:20 104:10,16 105:1 107:6 109:14 112:15 122:10,18,20 125:25 126:10,16 127:1 141:25 initial 18:24 19:25 20:1 38:11,16 40:3 47:12 61:3 71:11 100:20 140:10 initially 17:23 52:3 58:5 138:13 inside 131:20 insider 100:8 installed 138:13 138:18 installing 138:10 138:21 instance 65:9	instances 147:9 institute 32:16 institutional 32:20 instruct 79:8 insulated 8:14 141:12 146:4 insulating 145:25 insulation 7:24 8:14 10:25 11:3,8 13:8 14:10 125:23 128:1,8,25 129:5,9 129:14 130:9,19 131:11 137:9,17 137:19 138:2,6,11 138:21 139:1,5,13 139:16,18 145:13 145:15 146:6 insulator 138:22 insulators 138:12 intact 127:12 intend 108:25 intent 78:10 intention 116:7 interacting 15:16 interest 6:17 31:19 34:25 98:23 99:6 99:11 interested 31:21 32:7 39:19 40:5 150:17 interesting 17:16 internal 78:25 interpret 90:2 interpretation 43:8 interpreted 89:25 interval 106:13,16 106:20,22 interview 53:4 interviews 23:6
--	--	--	--

investigation 7:6 57:11 88:1 investigator 34:2 67:18,25 68:6 69:5 invoice 4:25 involved 31:4,17 32:5 33:1 46:13 118:9 involvement 50:1 involves 104:12 involving 121:14 ionizing 102:17 irb 30:22,24 32:11 50:15 issue 8:6 59:6 90:25 91:6 123:10 issued 73:10 issues 27:14 italian 121:1 iterative 21:7	131:6 132:16 johnson 2:17,17 3:7,7 5:15,15 23:18,19,21,21 24:1,1,8,8,12,12 96:7,11,11,13,13 97:21,21 98:1,1,13 98:13,17,18 99:17 99:17,25,25 100:5 100:6 101:19 104:13,13,20,20 112:11,11 114:3,4 114:8,8 johnson's 94:21 95:11 96:5,7 98:3 99:16,24 101:19 joined 139:10 joint 115:11,21 133:24 134:2 jotting 119:22 journal 36:7,11,12 36:13,14,19,21 38:7,20 39:12,15 39:19 40:7,14,21 41:6 44:24 144:14 journals 36:16 39:22 judge 1:2 146:12 jump 121:19 jumping 32:14 jurisdiction 60:24 71:17 jurisdictions 59:6 59:11,13,13 jury 112:2,7 146:12	keep 42:10 61:3 keeping 22:11 kenneth 119:4 127:21,24 128:7 128:23 131:6 133:1 135:7 136:24 kentucky 1:2 3:13 5:19 123:16 142:5 kept 143:7 key 50:5 kidney 106:21 kind 6:3 14:12 29:5 33:11 35:19 42:11 121:15 146:4 kinds 42:3 king 39:9 knew 32:9 112:6 knocks 127:18 know 7:10,14 10:20 11:11 14:18 17:22 18:14 21:25 33:19 36:18,20,21 36:25 37:6,8 42:2 44:9 49:19 52:7 54:7,12 57:19 58:2 59:21 65:10 67:12 68:13,16 71:2 78:7 80:16 82:10 83:7,9,13 86:20,21 87:3 89:16,22 90:19 95:14 103:1 104:22 105:3 113:19 115:7,10 118:5,8,8,16,21 122:5,6,15,16 123:9,21 126:15 126:20 127:1 134:6,14 136:8	138:1,8,9,12,22 139:7,15,17,17,21 139:24 140:14,19 142:15,20 143:9 145:18,18,24 148:3 knowingly 69:18 knowledge 31:3 45:14 69:20 82:25 83:15,18,20 84:5 99:15,23 100:4,5 103:24 104:1 130:1 144:16 known 34:22 37:1 87:12,19 113:17 113:23 114:3,4,14 114:15,18 143:16 143:17 144:8,13 144:19,22 145:4 145:12 knows 113:23 konigsberg 3:2 109:7,12 kristen 30:9
j			l
j 4:1 149:1 j&j 111:15,15,20 111:20 112:3,7,7 112:24,24 jacqueline 1:7 2:3 149:3,9 150:9 151:4,20 janitorial 128:10 128:11,17 jaw 17:16 119:4 127:20 jersey 1:22 job 1:24 8:18 10:1 10:12 11:20 12:11 12:15 19:2 110:11 144:9 john 3:8 119:7 127:25 128:3,20 128:23 129:23	k kaylo 138:6,7,10 kazan 18:21 kazan's 19:4		lab 68:8 99:4,5 labeling 19:2 labs 68:9 98:14 99:25 lacked 105:15 laden 14:2 lamm 101:24 103:3,13,17 langer 115:23 large 8:1 124:1 largely 105:6 late 40:15 latency 96:1

[latta - looked]

Page 17

latta 1:3	letter 18:7,10,14	listing 50:10,12	62:16 63:8 64:10
laundered 14:25	19:4,4	111:14 118:3	66:24 70:1,21
laundering 5:23	level 11:2 87:4	lists 124:6	73:15 74:8 75:5
14:1,14,23 15:19	137:5 142:2	literally 108:19	76:18 78:20,23
laundry 5:22 15:1	147:20	131:20	81:14 87:9 88:4
15:3,4	levels 92:20 147:5	literature 13:7,12	89:5 91:20 92:14
law 19:17	147:18,18,25	14:16 29:8 51:9	92:22 93:20 95:13
lawn 67:2	levy 3:2 109:7,12	51:13 85:16	97:6 98:19 99:19
lawyer 31:10 56:2	license 118:6	114:17 120:24	100:2,21 107:9
109:25	life 23:21 52:25	litigation 31:1,4	108:9 109:12
lawyers 39:9	liked 14:4	32:1 41:5 43:14	113:2 114:6 115:2
40:23 43:2,3 56:5	likelihood 29:12	47:2,10 50:7 56:6	115:13,19 116:19
83:4,16 84:10,18	61:25 121:2	57:12 65:1 70:9	116:22 117:1
109:10,22	limit 47:23 49:14	little 7:18 17:24	119:17 120:20
lay 74:10	87:8	32:14 40:17 41:23	122:2 124:16,22
lead 145:14	limitation 78:1	67:6,11 83:10	129:3 130:14
leading 44:12,17	limitations 69:15	84:25 106:7	133:21 134:20
44:21,21 66:18	69:18 77:19,22	107:18 117:23	135:2 136:5 137:6
71:23	78:1,6 88:14	121:19 143:18	137:13,18,18
leads 142:25	105:13	live 65:15	138:15 139:2,4,9
leak 139:4	limited 64:22	lived 64:16 65:19	140:13 141:24
leaks 145:13	109:13	living 56:25 57:2	142:6 144:11,24
learned 115:6	line 63:24 69:11	65:14	145:8 146:7
leases 95:16	107:19 141:12,12	livingston 1:22	147:15 148:6
leave 90:9 112:19	151:5	llp 3:2,6	longer 9:14 74:21
132:21	lines 33:13 50:24	loaded 146:16	136:15
leaving 102:15	53:19 141:4,6,8	located 123:10	longhand 36:3
132:5	list 2:8,10,23	125:13	longo 17:1,5
led 6:23 12:25	13:19 16:4 20:17	location 54:21	longo's 16:8
15:13 23:23 62:1	20:21,25 21:2,6,12	55:4	look 11:25 13:7,13
67:5	21:21 22:2,11,13	long 3:4 4:21,22	13:18 19:7 60:9
lee 100:19,24	25:18,22 27:12,14	4:24 5:5 6:6 7:8	61:2 70:12,18
lee's 100:23	27:15 29:15 33:10	9:8 11:4,10 12:7	76:15 93:10 94:24
left 15:11 124:6	41:21 48:10,20,23	13:4 19:3 21:13	102:10 105:2,12
legal 31:11 146:9	53:23 98:24	24:21 28:9,13,19	106:20 111:11,18
146:10,16	108:19,21 116:24	29:1,1 38:9,22	113:14 116:2
legend 124:6,11	116:25 117:6	39:16 41:8 42:1,9	117:4 122:21,22
legitimate 64:6	120:12,13	42:25 44:9 46:8	124:11 135:5
65:2,4,5	listed 31:6 49:5	47:4,11 48:19	148:2
length 8:16 90:11	96:24 112:24	49:6,24 50:8	looked 46:10 54:7
90:15 91:8 137:23		52:21 60:8,19	70:25 76:19 139:8

[looking - mesothelioma]

Page 18

looking 18:9 43:11 48:7,10 67:15 91:11 135:3 looks 124:8 losing 118:6 lost 52:13 lot 99:18 106:24 136:21 137:1 louisville 3:13 lovely 59:17 lunch 75:5,23 lung 25:9 91:14 106:16 lyn 119:12 120:4 120:18 121:22 128:19,24 129:24 130:1,7 141:4 144:8	man 101:23 103:19 manage 21:16 manner 11:25 47:12 manufacturing 8:13 64:18 120:23 121:5,8,11 126:14 126:18,21,23 127:4 134:1,3,25 manuscript 2:13 2:18 27:23 28:5 36:6,15 39:2 42:17 43:15,17 54:11 55:15 56:18 62:2 73:8 101:4 101:11 manuscripts 42:12 map 119:2 mark 20:2,18 22:14 25:15 26:16 27:5,21 97:19 101:1 107:23 110:20,25 111:1 marked 20:5,8,21 20:24 22:17,20 25:18,21 26:19,22 27:8,10,25 28:3 29:15 95:1,5 96:22 97:22,25 101:4,7 108:1,4 110:23 111:4,6 113:9,11 117:8 marriage 150:17 married 5:14 8:22 8:24,25 mas 111:24 mass 96:22 master's 30:13 match 78:13 125:11	matches 50:6 matching 79:4 material 10:21 125:13,19 126:17 127:6,9,9 130:16 131:12 materials 2:12 4:19 6:12,14 7:6 16:10,14 18:1,3,24 19:1 27:7 57:9 58:9 61:15 62:7 66:9 71:23 72:2 72:12 73:1,4 77:5 116:10 134:9 matter 1:16 8:21 11:1,18 54:16 150:18 matters 8:21 maya 31:6 mayfield 123:15 mean 4:10 8:21 32:17 44:18 45:18 49:7 54:21,24,25 54:25 55:1 99:1,8 106:6,8 109:17 119:11,18 123:18 126:20 129:13 139:10 meaning 65:6 81:7 95:25 131:22 means 32:18 93:3 99:14 meant 46:4 112:13 141:9 measurable 66:3 measure 115:13 measured 14:18 115:12 120:11 measurement 13:10 140:21	measurements 13:6 139:24 142:1 measuring 115:24 139:8 med 83:7,9,13 medical 4:17,18 16:4 26:3,6,7,10 26:11,13 29:8 31:10,12,21 32:17 51:9,13 58:13 62:15 83:11,16,20 85:16 114:20 118:1,6 122:1 126:12 144:15,16 medicine 23:9 31:13,19 36:8 40:22 80:7 84:5 84:13 meeting 4:21,22 37:2 42:7 meetings 42:4 member 58:25 61:23 members 17:11,12 36:18 82:24 83:17 84:11,24 men 53:18 mention 6:20 26:9 76:9 78:5 103:3 107:1 126:9 132:10 137:21 mentioned 6:1 26:12 34:4 102:6 102:21 118:10,21 119:4 120:2,6 122:24 135:11 mentor 37:5 meso 102:4 mesothelioma 2:14 5:7 11:6,16 11:23 23:23 24:20
m			
m 4:1 140:8,8 m.d. 1:7 2:3 149:3 149:9 150:9 ma'am 119:19 mackey 118:4 119:12 120:4,18 121:21 128:19,24 129:24 130:1,7 141:3 144:8 magnani 120:8 magnesium 94:14 mailed 118:18 main 3:12 37:21 maintain 38:13 74:14 major 51:1 84:3 144:16 majority 4:20 making 37:11 male 55:13 malignant 105:7			

[mesothelioma - number]

Page 19

24:25 26:8 27:24 28:6 29:6,20 44:12,17,21 51:7 54:16 55:8 79:18 79:22 80:1,12 93:14,19,24 94:4 101:20,22 102:1 102:12,22 103:3,4 103:21 104:12,18 105:17 mess 23:14 met 118:2 method 91:6 138:22 methodology 35:10 37:20,24 68:10 81:7 96:17 100:25 methods 61:15 66:9 91:3 mexico 123:12 micrometer 90:11 90:15 91:8 micrometers 91:2 91:4 mid 128:21 middle 61:16 millers 105:6 mind 13:17 mine 104:3 mineral 2:19 107:25 108:13 miners 102:1 105:6 mines 104:13,20 minutes 4:24 mischaracterizat... 109:8 mishear 10:6 misinforming 98:25	missing 20:25 22:3 mistaken 21:20 118:11 modified 85:19 moline 1:7 2:3,6 4:6 19:8,22 20:5 20:21 22:17,19 25:18,20 26:2,19 26:21 27:8,25 46:24 74:12,17 78:11,12,23 95:2,4 97:22,24,24 101:4 101:6 108:1,3 110:23 111:4 113:9 116:6,11 117:8,12 126:6 143:15 146:23 149:3,9 150:9 151:4,20 moline's 2:8,9,10 2:11,12 20:20 22:16 25:17 26:18 27:7 monday 1:18 monferrato 120:8 monitoring 24:4 65:7 month 23:10 months 17:22,25 21:24 morning 4:6,7 mortality 105:7 106:11 mother 5:22 25:6 25:11 move 9:17 17:23 78:9 moved 9:10 123:12 136:14 mt 1:22	multiple 8:9 47:24 69:23 mysterious 101:23 n n 2:1 3:1 4:1,1 75:11,11,11 102:25 name 17:18 21:19 50:7,21 117:14,25 118:8 145:17,18 151:3,4 napier 3:11 natural 34:24 nature 7:20 33:8 134:23 138:16 necessarily 6:7 90:2 136:20 137:22 139:11 necessary 32:25 109:2 neck 1:18 need 27:18 44:3 94:24 97:7,8,16 119:24 needed 34:20 negative 39:6 79:24 94:9 negatives 39:9 neither 128:23 131:6 never 9:16,25 32:3 47:25 60:9 92:23 118:2,2 128:14 136:8 new 1:18,22 3:3,3 3:8,8 4:2 23:6,7,8 57:11 73:25 98:2 150:3,4,8 newhouse 143:21 143:24	nice 44:4 nicholson 115:23 120:10 night 136:4 nine 48:21 non 44:13 105:7 114:8 127:10 147:1 north 9:11 125:2,3 134:1 142:21,24 146:4 northwell 1:17 32:16 33:9,15 notary 1:17 4:2 149:16 150:7 151:21,24 note 12:1 79:11 90:10 noted 17:1 20:10 72:9 75:9,13 102:12 122:3 125:16 148:8 notes 2:11 4:18 26:19,23 72:15,17 75:19 116:2 117:4 119:16,25 122:3 148:3 notice 2:7 20:4,14 20:14 november 1:18 18:11 22:22 23:3 150:10 number 13:19 14:17,19 21:4 47:23 49:13 50:25 51:10,15,20,20,22 52:2,6 54:2,3,11 55:19 113:6 116:14 119:24 140:15
--	---	--	---

[numbered - paper]

Page 20

numbered 21:21 102:6 numbers 13:5 66:11 123:22 numerical 14:15 142:7 147:19	obtaining 80:23 93:18 obviously 35:12 118:9 127:24 137:4 139:13 occasionally 58:19 occasions 15:10 occupation 50:23 56:20 occupational 23:8 31:19 36:7 40:21 44:13 56:23 67:7 80:7 83:8,12,14 84:5,12 141:20 occupations 102:17 occurred 8:15 23:10 40:10 63:18 74:4 102:14,23 104:18 130:20 131:5 occurrence 130:22 130:25 131:4 occurring 103:21 129:7 130:1 october 98:2 odd 117:24 odds 107:20 offensive 24:10 offering 5:4 6:15 10:22 23:17 113:1 114:2,3 okay 60:3 71:7 76:13 102:9 104:8 109:9 117:1,12,21 130:4 133:22 143:6 once 53:22 60:10 93:14 133:3 136:12 139:9,12	ones 5:25 6:1 7:4 48:17,24 76:16 123:1 online 38:25 ooo 2:25 3:16 open 102:15 116:14 132:5 operator 141:3 144:10,22 operators 135:9 141:11 opinion 6:15 8:16 10:10,15 12:16 13:2 14:7,21 15:12 24:10,18 41:10 80:12 92:19 97:2,12 114:3 115:4 126:6,11 130:6 140:12,17 140:18 143:19 146:11,14 147:3 opinions 5:3 10:22 11:1,11,12,17 13:22,25 16:19 23:17 58:10 63:3 95:19 96:6 98:17 99:2 100:17 101:18 103:13,16 108:16,25 112:25 114:2,25 opportunities 69:16,17 opportunity 16:24 17:9 opposed 10:16 11:19 56:1 oral 1:6,15 order 32:23 34:20 61:3 97:9 ordinarily 79:17	original 18:13,25 orrick 3:6 osha 142:5,5 outcome 150:18 outside 39:14 42:16 43:3 95:22 ovarian 22:9 25:8 overall 49:1 57:8 overlapped 37:4 overwhelming 47:24 overwhelmingly 112:10 owned 117:21
o o 4:1 75:11,11,11 object 9:9 14:9 15:15 74:8 146:20 objection 5:5 6:6 7:8 9:8 13:4 21:13 24:21 28:9 38:9 38:22 39:16 41:8 42:1,9,25 46:8 47:4,11 48:19 49:6,24 50:8 60:8 60:19 62:16 63:8 64:10 66:24 70:1 70:21 73:15 76:18 81:14 87:9 88:4 89:5 91:20 92:14 92:22 93:20 95:13 97:6 100:21 113:2 114:6 115:2,19 120:20 122:2 124:16 129:3 130:14,17 134:20 135:2 136:5 137:6 137:13 138:15 139:2 140:13 141:24 142:6 144:11,24,25 145:8 146:7,19 147:15 objective 44:10 obtain 7:15 82:20 obtained 42:15 61:17 81:5 82:23 86:9			p p 3:1,1 p.m. 75:9,13 148:8 p1-3782925 151:2 page 2:2 66:8,11 66:14,15,15 67:12 77:21 80:18 85:1 85:2 88:13 89:10 90:9,14 93:12 94:7 105:13 116:12 149:7 151:5 pages 102:7 149:5 paginated 66:12 paid 43:1 99:5 pallet 141:8 palletizers 141:13 pallets 131:3 141:10 pancreatic 25:8 paper 30:21 31:12 31:14,17 32:13,15 33:4 34:6 35:12 36:2 37:8 39:24 40:3,14 46:18,20 46:21 47:9,17 51:2 54:2 59:24

[paper - play]

Page 21

62:22,24 63:17 67:1,19 68:1 69:11,15,17,24 71:6,19 73:22 76:12 77:17,21 85:13,15,17 86:2 89:19,20 91:7 92:3,16 93:11,14 93:22 101:24 115:20,21,23 127:19 paper's 77:25 papers 115:22 paragraph 61:16 66:6 85:2,3 86:8 88:1 102:10 105:2 105:3 paragraphs 69:15 paralegal 110:1 parallel 28:18 parameters 46:5 46:16 parking 137:1 part 21:1 43:5 68:2 73:3 74:22 79:16 80:1 92:11 124:1 127:18 134:8 145:25 participating 57:2 particles 2:19 108:1,13 particular 24:5 45:2,23 57:17 61:9 62:2 63:3 68:5 72:1 74:2 104:25 113:6 122:19 134:14 particularly 7:16 84:7 particulars 86:7	parties 150:16 parts 101:14 127:13 pass 116:1 117:4 passed 7:17 9:20 9:21 124:22 passing 40:1 41:18 41:24 125:25 126:9 passive 113:17,20 pathological 55:10 pathologists 87:17 paths 37:4 patient 77:9 79:18 79:21,25 80:11 82:7 patient's 89:3 patients 34:22 62:13 67:9 77:8,8 78:3 81:10 82:14 83:17 84:10 87:16 91:10 92:5,13 93:19 94:16 patrick 3:13 117:14 paul 36:24 119:7 127:25 128:3,21 128:23 129:23 131:6 132:16 pay 55:3 123:7 peer 29:25 37:9,12 38:1,8 55:18 pel 141:23 147:13 147:17,21,21,25 pels 147:9 people 19:12 42:2 42:11,11 79:5 83:18 88:5,23 145:19 percent 52:6,7 53:18,18 91:22	96:25 97:3,13 140:9 percentage 10:20 11:22 140:7 perfect 45:24 pericardial 54:20 period 8:8 44:2 95:22,25 96:1 117:20 130:21 peritoneal 5:7 54:20 permits 78:10 79:14 person 17:17 19:11,16 65:19 71:6 89:10 personal 33:2,3 60:13 61:12 82:25 86:11,12,15 103:24 122:9 personally 7:14 12:12 19:14 43:23 80:10 81:10 82:6 82:14,19 83:3 96:2 128:14 perspective 103:12 pft 121:21 pfts 122:15,15 ph.d. 30:15 phenomenal 32:11 phone 34:14 116:3 phonetic 21:19 phrase 44:17 physically 35:24 129:13 physician 17:13 29:4 67:7 122:8,9 122:17,19 pick 74:21	picked 51:14 piece 36:1 139:8,9 pieces 137:22 139:10 pipe 11:7 13:8 14:10 127:25 128:8,25 129:9,14 130:9,18 131:2 137:17,18 138:6 138:11,25 139:1,5 146:6 pipes 7:24 8:14 10:19,25 125:20 126:5 137:9,17,19 138:2 139:3,19 place 34:13 78:25 88:25 136:19 placeholder 116:16 places 138:19 plaintiff 3:2 43:2 58:23 70:7 121:8 147:6,24,24 plaintiff's 50:7 58:21 70:14 plaintiffs 1:4 43:19 58:17 78:11 84:12 plant 5:19 6:10 7:14,15 16:8 65:9 65:10 67:3 117:20 117:21 123:4,9,18 123:21 127:2 140:24 145:2,7,10 145:12 146:1 plants 64:18 120:24 121:2,17 123:7 134:3 platy 92:24 play 30:16 35:2,14
--	--	--	--

[played - program]

Page 22

played 24:19 plc 3:11 pleasant 1:22 please 4:15 20:3 22:14,15 25:21 26:16,22 27:5,6,11 27:21 28:3 82:2 101:2 107:23 108:8 110:21 111:2 pleural 54:20 plus 112:13 point 7:9 9:5,17 22:6,10 23:2 27:19 28:14 29:9 29:12 34:10 38:13 39:1 40:11 48:14 52:25 75:22,23 102:5 114:14 115:7 145:4 pointed 105:14 points 43:25 68:25 70:9 114:5 145:14 polan 14:19 120:7 poorly 53:8 population 87:10 87:11,23 89:18 90:21 91:15,25 94:16 pose 90:8 position 79:1,12 89:1 possession 108:20 possibility 78:2 102:16 possible 5:19 50:2 61:4 66:18 68:13 68:20,21 88:11 102:17 104:11,16 possibly 70:10 101:22	potency 11:13 potent 12:4,5,6 potential 5:25 6:3 6:16,18,21 8:12 15:21 24:7 49:16 52:10,15 53:12,21 53:24 56:9,15 57:10,14 60:15 61:9 63:2,4 64:5 64:15 65:2 66:16 67:5 68:3 71:16 72:20 75:17,24 76:8,14,15 77:3,7 82:8 84:6,17 88:2 89:2 104:2 120:4 127:14 130:8 134:2,19,24 145:3 145:11 potentially 53:2 92:23 120:18 142:11 144:9,20 powder 44:12,20 45:10 56:11 80:13 83:1 86:13,16,23 87:7,13 93:16,23 94:15,17,21 95:11 96:5,11 98:3 99:12,12,16,24 147:7 power 105:16,20 powerpoint 2:20 2:21,22 109:6,13 109:16 110:2,22 111:3 113:8 powerpoints 112:22 practice 55:24 79:16 80:1 predated 86:1,2,3 predisposition 25:2	preferences 109:11 prepare 58:10 109:15 prepared 4:25 19:8,9 21:6 preparing 4:8 72:11 presence 91:19 93:3 present 11:3 62:3 79:22 92:24 103:8 112:2,6 115:14 125:17 128:20 129:14 145:10 presentable 89:13 presentation 55:5 presentations 110:2 presented 31:20 45:19 49:22 63:1 64:13,14 67:16,19 68:1,9 70:19 76:3 80:20 111:8,10,12 presenting 68:23 93:19 president 19:13 23:8 press 2:17 95:16 97:21 98:1,6,7,9 98:12 100:7,18,23 presses 66:13 presumably 84:9 84:14 presupposing 79:20 pretty 34:14 39:11 47:14 prevented 62:23 previous 54:13 96:12 98:11	previously 31:25 43:13 78:12 80:5 84:3 85:21 98:3 103:12,16 111:12 112:15 prime 52:25 principal 34:2 35:16 prior 43:16 60:12 70:2 104:2 priority 1:21 151:1 privacy 81:21 privileges 79:6 privy 100:12 probably 4:23 21:9 34:10,11 86:3 129:16 problem 19:5 procedure 1:16 proceed 78:17 proceeding 34:5 34:17 process 37:9,13 38:8 55:18 57:7 71:15 109:19 126:23 produced 134:7 product 96:9 138:4 production 8:15 125:7 126:3,23 136:22 137:12 products 5:15 23:19,20,22 24:1,8 92:8,10 126:22 127:3 138:11 147:7,8,10 profession 57:1 program 109:23
---	---	---	---

[project - recall]

Page 23

project 33:11 projects 31:22 promulgated 141:17 proof 64:16 65:7 proofs 38:24 proper 80:6 83:7 property 123:19 propose 116:15 proposing 116:20 116:22 proposition 115:17 protected 50:15 50:16 78:24 protection 33:6 protections 79:7 protocol 32:19 89:16 90:1,3 protocols 89:23 provable 63:13 prove 143:13 provide 13:1,20 18:22 19:17 72:10 72:16 105:23 110:8,15 provided 2:25 7:2 7:7 19:16,17 33:9 35:11,17 57:22 58:3,5 61:3,24 62:4,19,21 65:13 65:19,22 66:2 72:14 76:20 77:15 103:6 104:10,16 107:6 109:13 117:7 119:14 145:21 providence 47:15 provider 26:7,12 provides 93:14 94:1 105:5	public 1:17 4:2 30:13 149:16 150:7 151:24 publically 99:18 100:13,15 publication 33:1 38:25 39:13 40:20 41:7 42:8 55:16 publications 23:7 144:16 publish 39:22 published 36:13 39:2 45:16 85:21 86:24 144:14 publishes 36:14 69:13 publishing 34:25 39:20 40:6 pull 21:2 131:20 pulmonary 118:4 pulmonologists 86:10 pursuant 1:16 put 44:25 69:15,19 78:25 116:18 138:14 139:9 140:7 puts 110:16 putting 29:18	73:3 74:18 76:7 76:13 78:16 82:2 84:2 85:22 87:16 89:24 90:7 95:18 109:18 113:16,22 117:24 144:18 146:8 questionable 48:22 questioned 83:17 84:10 87:6 questioners 83:23 questioning 61:18 76:20 83:2 84:16 84:22 88:16,20,25 107:19 questionnaire 76:22 questions 7:11 17:4,7 33:10 62:12 70:19 78:17 79:13 83:24 84:23 86:25 88:23 108:11,22 116:4 122:4 145:19 146:14 quick 107:21 quite 17:2 quote 88:19	rates 106:14 ratio 106:11 rauf 36:24 39:17 40:2 ray 117:25 122:11 reach 70:17 79:14 106:4 116:16 reached 17:6 read 19:19 21:3 42:18 44:14 45:12 47:24 56:12 61:19 66:19 67:19 80:25 87:20 88:22 90:12 90:16 94:11,11 98:11 99:18 100:10,11 101:14 101:15 102:18 103:9 105:9 107:12 108:24 129:8 130:5 134:14 140:14 reader 47:24 113:21 122:22 readers 40:7 reading 4:17,19 7:12,13 108:18 118:3 reads 67:16 real 63:11 65:12 realized 22:2 28:23 34:19,24 48:7 really 5:22 58:2 64:14 83:20 131:7 143:20 realm 70:24 reason 51:3 151:5 reasonable 126:11 recall 15:6 21:11 21:14 26:11 27:15 33:19,21 34:8,11
	q	r	
	qualitative 12:23 quantify 12:9 23:24 77:1 131:7 quantitative 12:17 13:10,14 14:12 queen 39:9 question 5:16 53:8 53:9 54:13,14,24 57:19 58:1 60:1 60:11 63:11,15 65:23 68:19 71:9	r 3:1 75:11 149:1 150:1 radiation 102:18 radiologist 117:24 raise 19:15 raised 64:6 73:10 ranges 106:23,23 rare 94:4 105:16 rarely 58:19 rate 43:19	

[recall - research]

Page 24

34:12 37:25 38:4 40:12,13,19 52:2 57:24 58:4 63:18 63:22 64:11,12,25 65:8,21,24 66:1 68:12 71:1 72:4 76:1 80:14,15,17 83:12 88:12 96:15 96:19 98:10 107:10,12,14,16 117:24 119:3 121:6,7,15 123:22 124:1 125:10 127:24 128:12 129:4,4 132:4,14 133:1,5,6 135:7,11 135:19,21 136:11 136:17,24 137:16 137:18 139:23 140:15 142:17,25 143:1 recalling 132:22 receive 58:9 118:21,24 134:8 134:11,12 received 20:5,21 22:17 25:18 26:19 27:8,25 38:7 43:3 95:1 97:22 101:4 108:1 110:23 111:4 113:9 134:6 recess 27:4 75:8 107:22 recollection 81:17 81:25 82:3,5 101:21,25 130:2 132:17 143:12 record 18:5 19:22 20:2,13 28:4 29:14 38:6 67:21 78:8 79:11 93:13	94:10 98:1 107:21 108:7,24 110:5 111:7 116:5,6,10 150:13 records 4:17,18 7:16 16:4 18:11 26:3,6,10,13 58:13 62:15 122:1,13,14 reductive 109:18 refer 19:10 117:19 reference 2:8 13:18 20:16,20,25 21:6,21 22:2 51:2 51:14 69:12 103:22 114:14 120:12 125:25 referenced 13:12 22:7 55:23 72:22 73:1,4 75:18 122:5 123:3 references 14:16 21:3,17,23 105:3 123:20 referred 56:1 101:24 113:22 referring 10:2 19:23 41:25 43:10 81:6,21 94:12 reflected 112:8,21 reflects 116:12 regard 11:12 120:4 regarding 7:1 47:6 61:18 85:11 87:2 103:6,20 144:6 regardless 77:10 117:20 145:6 regular 8:1 regularity 131:5 regulations 141:17	relatable 119:22 relate 111:24 related 5:20 22:4,9 27:14 35:1 39:24 80:23 86:25 107:10 141:25 150:15 relating 7:19 relative 24:14,15 release 2:17 97:22 98:1,6,8,9,12 100:18,23 relevant 9:3,7 83:18 reliance 2:8 20:17 20:21 21:1 27:12 27:14 98:24 relied 2:12 27:8 rely 83:19 108:25 115:4,16 120:3 140:17 relying 82:20 84:17 108:16 112:24 113:6 122:19 remain 45:15 114:24 115:5,17 remains 103:19 remember 36:4 37:22 40:9 41:20 48:23 51:19 81:15 82:10 118:16 128:5,7,18 131:19 132:9,23 133:4 144:1 remove 133:10 removed 77:9 rendering 80:12 renovations 46:13 57:3 62:8	rephrase 146:18 report 27:19 31:20 35:23 57:23 59:7 60:25 68:23 70:13 71:18,22,24,25 72:3,10,14,17,22 72:23 73:2,4,5,11 73:24 77:2 94:24 106:10 107:11,17 118:1,3 reported 92:16 100:7 103:3 120:22 reporter 1:17 59:17 116:8 150:7 reporting 1:21 151:1 reports 34:21 35:20 53:15 58:6 58:16,20 70:7,7 75:19 78:12,13 79:4 80:20 120:24 121:13 125:17 represent 74:11 111:7 113:12 117:14 representative 112:12 113:4 represented 112:16 reputation 63:24 69:10 request 18:23 33:14,23 requested 38:1,5 requests 34:3 required 32:23 151:21 requirements 33:6 research 31:21 32:17 50:19
--	--	---	---

[researcher - see]

Page 25

researcher 32:12	38:17,18 41:10	135:19,22 141:9	126:18 129:6
reserve 79:13	43:21 55:18 57:15	rights 79:13	145:17,18,19
residence 66:17	61:11,22 62:12	rigor 80:22 81:4,6	saying 48:25 59:22
residents 66:7	64:7 68:2,4 72:12	84:15,18,19,21	60:5 72:6 79:23
respect 9:6 10:1,5	77:5 79:1 100:18	risk 11:23 65:16	81:19 82:4 93:7
11:12,15,17 13:2	108:14 118:11,13	105:8,23	99:3 106:8 114:14
13:23,25 23:18	118:21,24 119:7	rj 100:19,23,24	says 19:7 67:6
25:5 35:14 38:8	119:11 122:11,11	rohl 115:23	102:7 129:22
38:21 40:23 41:3	134:5,11,13	role 24:18 30:16	143:15 147:4,23
42:5 54:19 61:1	reviewed 2:12	35:2,14 145:24	scenarios 65:14
64:12,22 71:1	10:22 15:23 16:10	ron 28:14	scheduled 17:23
73:6 80:22 84:19	16:15 26:3,24	roof 7:25 127:14	schematic 123:3
84:22 87:23 88:5	27:8 28:23 32:20	127:18,19,23	schematics 123:5
90:21 95:11 96:6	37:8 48:6 49:10	132:8	school 30:14 31:13
98:11,17 99:1	51:21 52:4 53:16	roofing 127:5,9,9	83:11
103:13,16 104:1	54:8 57:16,21	room 59:15	schupbach 3:11
112:12 121:1	60:6,17,20 61:7	rotations 31:18	science 51:1
129:6 140:21	62:18,20 63:6	rubber 133:24	scientific 63:23
respiratory 105:7	67:7 69:7 71:18	134:15	70:17 77:18
105:9,23 106:14	71:22 72:2,22,25	rules 1:16 44:24	114:19,20
responsible 89:10	73:2,5 77:5 94:20	run 8:3 128:4	scientist 69:11,24
responsive 65:24	95:10,19 101:13		70:18
rest 137:21	101:16,17 118:15	s	screened 86:11
restrictions 78:25	118:16 121:10	s 3:1,6,11 75:11,11	se 83:21 123:5
result 5:7 37:12	reviewer 38:1	75:11 102:25	second 5:13 21:1
97:14 140:1	reviewers 29:25	140:8 151:5	45:10 53:2 101:23
results 35:13,21	reviewing 17:25	safety 141:20	114:1 116:2
43:8 45:9 67:18	18:3 29:5,14,17	sake 68:11	secondary 7:22
68:1 85:3 96:1	48:10 57:9,14	salas 21:19	section 30:21 56:8
98:25 139:18	60:15	sammel 140:8	85:3 86:23 89:20
retained 17:20	revise 73:18	sample 85:19 87:8	138:25 139:5
18:6	revised 23:4 74:25	90:1 97:8	sections 137:18
retest 100:6	revisions 22:25	samples 35:11	138:7
retested 98:13	33:20	85:1,2,14,16 86:1	see 15:25 23:7
100:9	rewrite 38:4	87:2 100:20	39:7,18 46:10
retired 5:14 8:20	right 39:5 41:13	sampling 10:17,18	83:24 96:21
10:3,8	41:16,17 49:13,17	10:20,21 62:5	111:16 117:4
returned 15:8	52:21 69:11 70:15	64:16 65:7	118:19 125:1
review 6:25 18:16	77:19 78:23 80:3	sanctioned 118:6	126:16 127:5
25:10 32:20 37:9	80:7 82:7 85:2	sarcomatoid 54:25	129:21 134:22
37:12 38:8,11,16	110:7 128:17	saw 21:21 41:17	
		118:1,2,3 123:25	

[seeing - south]

Page 26

seeing 96:15 98:10 142:17 seek 7:15 seen 17:19 20:8 41:21 65:9 94:22 94:23 95:6,7 96:10,19 98:6,7,8 98:8 100:23 101:8 107:13 108:4,6,15 108:19 122:25 136:8 138:17 select 51:18 selected 48:12 selecting 51:16 53:10 54:15 selevan 102:24,24 103:1,2 semantic 44:19 send 19:3 40:8 41:9 sense 24:3 43:22 46:9 51:23 57:7 138:25 140:19 sent 4:19 18:12,20 18:20 19:7 29:25 38:23 sentence 42:24 45:10,18 93:11 94:8,10 105:13 147:10 sentences 38:3 93:6 separate 24:16 41:13,15 51:25 104:2 separately 43:16 sequential 53:14 139:3 sequentially 46:23 series 28:13,19 29:1 33:4 34:17	36:14 39:23 40:6 46:7 51:8,17,24 52:15 54:16 77:10 77:23 94:2,3 serve 41:4 services 1:21 2:15 94:25 set 19:1 85:11,12 113:7 150:11,19 settles 114:25 seven 80:18 shake 5:23 12:8 14:4 shaken 8:9 shaking 14:5,14 shape 26:10 sheet 151:1 shift 129:13 135:8 shook 14:2 shorter 44:1 shorthand 1:17 150:6 show 71:4 78:11 95:4 142:23 showed 62:6 showing 25:20 95:4 111:6 113:11 shown 96:21 121:25 149:6 side 58:17,17 signature 150:21 signed 45:6 significance 106:5 significant 8:7 12:25 13:3 21:22 34:3 106:1,2,9,12 106:18,19,25 146:24 significantly 22:1 140:3	silica 94:14 silicate 138:5,11 silicates 94:13,14 similar 47:25 72:17 80:21 similarly 8:13 simmons 119:5,7 127:21,25,25 128:3,7,21,23,24 129:23 131:6,7 132:16 133:1 135:7 136:24 139:7 simon 109:5,15 single 64:25 102:22 103:21 104:11,17 116:12 sister 16:7 25:7,7 sister's 7:3 sit 59:15 64:24 68:16 80:15 82:9 97:11 115:15 site 119:2 sitting 110:18 situation 74:1,17 86:6 situations 74:11 six 35:5 47:2,8,16 47:23 48:3,4,5,10 48:12,15,16,18,25 49:12,14,22,23 50:1,4 66:14,15,15 68:11 69:3,4 74:21 80:19,20 81:8 90:2,25 91:6 91:10 92:4,12 size 123:17,24 124:14 138:9 skimmed 125:16 skipping 67:11	slide 2:20,21,22 110:22 111:3,18 113:8,13 slides 109:6,20 110:3,14,17 111:8 111:10,11 slightly 130:5 small 102:2,3 smart 23:14 sole 54:9 solely 43:7 solicit 50:20 solutions 116:14 somebody 34:21 41:20 45:24 57:1 110:1,16 son 113:19 sooner 17:24 sorry 52:13 104:14 121:19 132:13 133:19 134:10 sort 12:6 42:6 107:20 116:24 sorts 127:22 sounds 131:4 134:4 source 42:16 43:4 45:11 52:10 53:12 53:24 56:10 57:3 62:23 63:4,16 73:9 77:7 84:8 87:17 99:23 115:8 sourced 96:11 sources 48:8 61:9 61:18 66:6,16 68:3 71:16 88:16 88:20 89:2 122:8 137:11 south 9:11,16 125:2,4 131:10,13
---	--	---	---

[south - sure]

Page 27

143:3 speak 12:7 16:25 88:8,9 122:14 speaking 64:21 70:22 71:2 74:9 120:15 speaks 95:14 spearheaded 34:1 specialties 84:4 specific 5:3 12:16 16:14 37:6 38:4 41:11 45:2 59:23 59:25 65:8,9,17 71:2 74:11 79:5 118:20,25 120:3 124:2 126:16 133:6 142:2 specifically 4:13 6:22 15:24 17:8 21:14 57:24 65:25 66:1 77:21 78:5 88:12 96:19 107:10 123:2 126:2 129:18 specificity 144:5 specifics 57:6 specious 24:16 speculative 24:24 spelled 82:21 spent 4:8,12,15 37:2 spoken 16:18,22 17:2,10,12,13,14 17:17 88:6 spouse 46:12 65:10 76:25 square 124:3,7,8 124:17 ss 150:3 stack 22:4	stacking 141:9 staff 128:11 stainless 138:13 138:14,19,20 standard 76:22 110:3 standardized 106:11 standpoint 9:18 12:24 140:23 stark 1:2 46:3 starr 103:3 start 8:23 57:8 130:18 started 8:24,25 9:1 18:2 29:17 46:22 74:5 102:3 134:17 136:12 142:19 starting 48:14 starts 9:4 state 4:2 92:7 94:9 95:9 116:5 141:18 150:3,7 stated 14:25 103:16,23 112:16 statement 97:18 98:19 108:23 statements 95:16 states 32:15 42:14 45:10 86:8 91:23 93:13 96:17 105:4 141:18 144:13 statistical 105:15 105:20 106:5 107:13,17 statistically 106:1 106:2,9,12,18,19 106:25 statistician 107:3 107:7	status 95:10 stay 67:12 steam 8:14 125:20 125:21 126:5 132:20,20 141:4,5 141:6,7,12,12 steel 138:13,14,19 138:20 stevens 3:11 stop 50:4 75:3 114:16 stopped 8:20 53:25 stored 33:12 straight 113:3 straps 138:14 street 3:7,12 strike 137:15 struck 141:12 stuart 3:9 student 31:11,12 students 31:21 83:7,10,13 studies 13:19 14:17 50:6 111:24 115:10 134:14 study 32:15 94:1 102:24 103:8 105:5,14,22 121:1 133:23,24 134:2 134:17,22,23 136:8 143:24 stuff 73:25 subject 74:14 149:6 subjects 33:7 submit 30:22 36:10,15 39:20 41:5,19 submitted 30:7,24 32:18 33:15 38:23	40:14 41:1,6,18 42:10 55:15 70:13 submitting 41:13 subscribed 149:12 151:21 subsequent 38:24 57:22 60:11 99:16 112:17,22 substance 114:23 substantive 33:22 substantively 39:3 substituted 63:20 suffered 77:8 suffering 5:6 sufficient 67:4 96:1 127:1 suggesting 81:22 82:1 93:2 suggestion 77:13 sullivan 102:3 sum 114:23 summer 31:24 40:15 summertime 132:20 supervisor 128:10 supplemental 57:23 71:25 supposed 65:18 94:11,11 sure 4:11 8:23 13:19 14:17 18:21 19:5 22:6 34:14 36:20 37:11 39:5 41:12 54:22 55:2 68:21 70:16 74:9 74:15 75:7 104:15 105:18 108:10,10 116:19,21 120:9 121:12 124:17,20
---	--	---	--

surgeons 86:10 surprising 134:16 survey 16:7 118:22 125:12 139:18 140:25 surveys 12:21 sutcliffe 3:6 sweeper 133:14,15 sweepers 133:2,5 133:7,11 sweeping 105:20 133:3 swept 133:8 switch 27:2 sworn 4:2 61:17 61:22 149:12 150:11 151:21 symmetrical 51:5 synthesizing 43:11 system 106:15	talc 2:14 23:19,20 24:1 26:8,9,12 27:14,25 28:6 29:7,17,21 36:13 41:4 46:1 47:2 48:9 52:1,11 53:17 54:10 56:21 56:24,24 58:9 60:16 65:1 86:4 92:8,10,13,18,24 93:3,5,7,8,8 96:4,7 96:13 97:3,13 98:18 101:19,23 102:13 103:19 104:3,12,13,19,19 104:22,22 107:14 114:12,12 126:8 126:14,24 talcum 44:12,20 45:10 56:11 80:13 82:25 86:12,16,23 87:7,13 93:16,23 94:15,17 147:7 talk 7:18 13:22 15:23 20:16 62:11 66:6 69:10 71:15 80:19 83:6 84:25 87:11 92:3 111:1 120:12 talked 28:17 34:16 35:18 41:23 52:14 56:18 77:18 110:6 132:23 143:18 147:11 talking 29:2 59:1 60:23,24 74:1 75:24 76:1,2 84:15 88:13 99:19 113:23,24,25 114:8,18 120:9 124:5 126:2	130:15 132:19 133:4 talks 61:15 66:16 67:24 76:7 88:14 102:11 tar 127:19 taught 37:3 technically 106:18 telephonically 3:14 tell 12:23 40:2 44:6 49:3 81:9 109:1 124:21 137:25 ten 4:14,16 term 84:19,21 146:16 terminology 76:11 terms 17:3 24:14 44:25 74:10 114:14 123:17,18 125:12 126:7 138:2,10 139:20 140:16 142:3 146:5 test 96:2 tested 98:4 99:3 100:9 testified 4:3 41:22 49:15 80:5 84:3 109:12 121:12 127:8 128:3,24 135:17 testify 6:22 60:22 78:24 109:6 121:24 122:21 129:25 130:24 141:16,21 142:1,3 143:16 146:21,22 147:5,12,20,23	testifying 15:6 70:8 79:2 109:5 109:19 121:7 127:25 128:8 133:1 135:7,21 136:11,25 137:8 137:25 testimony 15:11 25:10,23 40:19 41:2 46:20 60:7 60:10,12,13,17,21 61:2,17,22 62:11 62:14 64:24 66:21 87:25 110:15 112:11,17 113:14 114:22 123:14 127:5 128:18,19 131:19 132:4 136:17 137:16 141:3,11 143:6,11 149:4 150:13 testing 12:19 24:23 65:6 94:19 94:20 95:10 96:5 96:15,16 98:14 99:16,17,20,23,25 100:5,24 112:21 tests 98:2 118:4 text 87:2 thank 22:13 60:4 79:15 thankfully 59:11 thanks 148:7 thermal 138:1,11 thing 44:5 74:20 110:25 things 32:11 33:13 37:21 41:13,15 42:4,6 50:23 74:12 114:4 115:8 129:25 142:9
t			
t 75:11 149:1 150:1,1 table 67:16 84:4 89:10,15 91:12,16 tables 30:19 90:23 take 6:2 14:19 15:7 19:7 22:5 27:1,3 40:19 41:2 46:1 55:7 56:25 58:7,8 70:14 79:12,17,20 80:2 80:10 82:14,19 83:7,13 89:9 94:24 107:21 119:25 120:9,12 120:22,25 122:21 144:20 taken 1:16 27:4 75:8 107:22 145:22 148:1			

[things - two]

Page 29

146:14 think 6:20 8:19 9:14,21 12:2,18 15:9 16:5 17:23 18:19 20:9 25:12 25:14 27:17 33:21 34:2 36:4 37:4,19 38:2,10 47:14 52:19 56:17,18 72:7,13 73:7 74:12,17 76:2 82:21 87:10 92:15 93:25 95:8,21 100:22 105:12,13 109:8,10,14 113:3 116:11 117:1 118:15,21 120:8 123:2,3,5,11,12,15 125:25 127:20,21 129:15,18 131:18 137:20,20 138:16 138:18 142:22 143:6,10,12,18,20 144:5 145:1 146:15 148:1,6 thinking 28:12,25 29:4 96:20 115:22 143:5 third 3:3 19:10 118:17 thorough 88:15 thought 10:4 40:7 49:12 51:4,9 94:9 129:8 133:18 143:1 thousands 67:8 three 2:23 15:25 16:11,16 18:25 19:24 26:25 56:22 82:22 89:10 91:12 106:21 116:6,9,17	117:7 118:13 138:7 throw 18:8 time 4:12,20 5:14 8:17 9:5,15 10:19 18:2 21:8,21 22:12 23:2 28:13 28:19 29:1,2,11 30:7 31:23 37:2 38:13 44:2 51:16 52:19 53:10 57:16 63:16 64:6,25 65:2 69:13 71:13 73:8 74:3 75:9,13 75:23 77:17 95:22 95:25 114:5 115:12 117:20 118:19 129:20 130:21 137:20 141:23 143:20 148:4,8 times 12:4,4,5 19:20 82:22 115:13 129:10 timing 63:9 timothy 1:2 tire 3:12 5:12,13 7:20 8:11,15 9:2,6 10:8 17:15 24:9 117:16,17,20 118:20,25 120:5 120:19 121:4,5,8 121:11,17 122:25 123:9 126:8,13,15 126:18,21,23 127:3 133:25,25 134:3,7,15,24 139:23 140:2,4 141:23 142:4,12 142:15 144:7,19 144:21 146:1	tires 8:13 tissue 28:22 35:4,5 35:8,13 37:20,24 46:25 47:8,13,16 47:19 48:1,14,17 50:2 67:16,17,24 68:4,10,14,17,22 69:6,22 70:22 71:1,12,12 78:2 88:6 90:1,25 91:6 91:14,14 92:13 93:1,3 title 29:20,22,24 30:2,4,6 98:2 111:19 titles 30:8 tlv 141:22 147:16 147:25 tlvs 147:9,13 today 4:9 15:25 16:12 25:24 64:25 68:16 80:15 82:9 84:3,22 87:25 97:11 115:15 118:19 135:17 today's 25:25 top 8:2 102:7 108:18 124:21 141:8 topic 67:12 topics 27:2 35:19 tornado 8:7 127:17,23 total 124:15 touch 109:21 town 123:16 trachea 106:15 train 131:20,22 training 83:16 84:12	transcribed 36:5 transcript 1:15 64:8 119:17 120:1 149:6 150:12 transcripts 16:6 53:5 61:11 77:15 82:23 119:16 transpired 64:17 73:19 treating 17:13 86:9 87:18 88:7,8 88:10 trial 2:10 25:18,22 59:20 60:5,6,9,11 60:12,17,21 61:2 73:12,20 109:5,20 114:23 121:24 triangle 1:8 145:15,19,22,25 146:3,5 trick 58:1 tried 77:1 trivial 147:1 truck 132:1 137:1 trucks 125:9 true 123:21 149:5 150:13 truly 106:3 truncated 44:25 try 24:16 39:10 124:12 146:18 trying 11:4 42:23 57:7 67:12 70:17 79:24,25 81:24 99:22 tumor 54:21 55:5 turns 87:5 twice 15:1,4 112:5 two 12:4 18:4 21:15 35:22 41:12 41:15 82:21 93:6
---	---	--	---

[two - warehouse]

Page 30

99:20 102:4 111:23,24 118:13 118:15,16 119:13 125:8 type 52:22 53:3 54:16,18,24,24 55:6,7 91:13 110:9 typed 36:2 types 10:10 11:5 11:13 22:3,4 25:2 typically 58:8 76:21 80:2 109:19 typing 35:24	126:4,13 understood 10:4 77:23 84:2 90:9 136:23 145:2 unfortunately 59:13 uniform 61:4 union 133:25 united 91:23 133:24 141:18 144:13 universe 85:20 university 134:1 unknowable 89:7 updated 21:8 27:16,18,19 102:7 upper 124:6 ups 148:3 usage 45:11 52:1 93:16,17 use 2:14 6:11 23:25 26:8,9 27:24 28:6 29:21 44:16 49:23 51:10 51:17 52:11 53:13 53:13 56:21 76:11 78:13 84:21 86:11 86:12,15 87:7 91:18 94:17 109:5 115:14 138:13 147:6 usefulness 87:8 usually 59:9 utilized 126:22 uttered 60:10	98:22 99:7,9,14 values 106:25 142:7 147:19 varied 137:20 various 26:24 43:25 46:10 52:3 53:15 65:13 83:23 92:10 114:5 115:13 139:10 143:9 145:14 vein 69:21 ventilation 131:17 132:5 venture 44:8 verbatim 39:4 verify 103:7 veritext 151:1 vermont 101:19 102:8 103:4 104:3 104:13,19 105:6 107:14 version 23:1 45:15 versus 138:23 140:7 vested 98:23 99:6 vianna 14:19 120:7 view 6:5 12:13 87:7 vintage 95:25 violated 141:19 142:4 violation 141:17 virtually 23:21 vis 142:5,5 vitae 2:9 22:17 voice 113:18 volume 118:14 volumes 118:13,14 118:15,16	vs 1:6 w w 1:3 3:13 wagner 51:2,5 waist 111:25 want 17:4 27:1 41:12 70:12 74:9 75:5 90:19 107:20 116:9,19 146:13 147:9 wanted 13:13 34:19 37:19 38:3 49:4 54:2 68:20 87:3 93:10 116:4 wanting 85:14 ward 1:3 8:10,17 8:19 9:20,24 10:11 11:18 12:10 12:15 15:11 118:4 119:12 120:18 121:22,25 126:7 128:20,24 129:13 129:16,24 130:2 131:13 135:12,18 140:2 141:4,22 142:5,11 144:8,19 147:12 ward's 17:14 120:4 130:8 136:12 140:3 warehouse 7:25 9:11,11,16 124:3 125:21 126:3 128:1,9,16,20,25 129:10 131:11,21 131:23 132:9,15 133:2 136:13,18 137:1,5,8 142:14 142:21,24 144:4 144:10,23	
u	u 4:1 149:1 ultimate 93:10 ultimately 36:6 45:6 59:20 un 66:12 unable 103:6 unaware 93:7 uncertainty 112:20 unchanged 45:15 unclear 9:14 125:23 understand 44:23 57:5 58:2 73:23 74:18 86:5 94:10 139:20 understanding 9:19,23 32:22 46:24 47:7 50:17 50:20 63:25 85:18 85:22,24,25 86:6 86:14 87:4,22 90:4,19,20,24 91:18,21 95:9,12 99:22 100:24 117:16 125:6,18	v v 102:25 151:3 vague 104:24 vaguely 134:4 value 12:17 14:15 40:7 94:3 97:9,17		

[warehouses - à]

Page 31

warehouses 123:24 124:1,4,13 124:14,23 125:2,7 125:12,20 127:6 131:13,17 143:3,7 143:9 146:4	9:24 13:23 14:13 14:22 15:6,14 16:22,25 24:8 25:5 26:3 45:23 52:17,22 70:12 72:18 95:22 96:2 122:5 135:21 136:11 140:1 147:13,16 151:3	104:3 109:19,23 110:6,11 117:1 135:22,23,25 136:10 142:14	written 32:24 36:1 42:13 53:15 59:7 71:14,18,22 72:10 73:16,17,17 74:19 86:23 94:23 121:13
wash 12:7	122:5 135:21	worked 5:12,13,18 6:19 8:19,20 30:20 31:19 35:17 43:25 44:1 56:20 57:1 89:12,14 104:12,19,23 121:8,11	wrong 18:9
washed 14:3,3	136:11 140:1	104:12,19,23	wrote 18:22 36:2 46:14 73:8 77:17 86:21 90:22
way 11:5,10 13:9 26:10 44:19 51:5 74:12 85:15 90:4 97:12 103:17 104:24 115:6 124:9,20 137:7 138:12 143:1 150:17	wiman's 6:23 10:6 17:10 23:18,25 24:20 26:7 95:23	worker 102:13,13 103:6 104:12,19 119:10 123:2 128:19 136:17	x
ways 138:21	wind 113:5	workers 7:24 8:5 16:6 17:15,18 59:4 102:8 119:11 133:25 134:15 143:11,23	x 1:3,11 2:1 122:11
we've 56:18 75:3 107:18 147:11 148:1	winded 11:4,10	working 6:10 8:10 8:25 9:1,2,14,15 10:9 30:19 42:3 43:23 104:21 110:16 129:10,12 129:20 131:13 136:13,14,15 144:1 145:7	y
week 15:1,4 23:10 108:21 130:22	wire 138:14,18	workplace 9:5 147:18	years 6:21 8:17 12:14 21:5 24:11 25:23 29:3 34:23 51:11 52:5 86:24 102:14,15 143:9 143:13 145:22
weeks 18:1,4 21:10,15	wise 24:11	write 28:10 29:5 36:2,3 43:1,4,5,5 46:17 48:2 54:2 73:24 119:24	york 1:18 3:3,3,8 3:8 4:3 23:8 150:3 150:4,8
weight 96:24 97:4	withholding 81:22	writing 28:17,19 31:12,14 33:4 35:20,22 39:18 42:16 43:15,17 46:20 63:17 64:8 69:24 70:3 74:5 74:23	à
weirick 111:10,18 111:24 112:3,4,5,9 113:13 114:23	witness 1:15 2:2 17:18 41:21 43:14 44:22 47:1,10 78:20 116:2 117:4 146:8,17 149:3 150:10,14,19 151:4		à 142:5
went 30:19 46:9 53:4,14 59:20 60:5 74:12 134:17 135:14,22 136:3	witnesses 16:19 60:17		
west 1:22 3:7,12	witnessing 130:1		
wet 133:2,3,4,7,14 133:15,17 139:6	woman 17:5 32:10		
wetting 133:15	women 53:18		
whereof 150:19	worded 53:8		
wide 106:22	wording 94:6		
widely 51:6,8	words 44:24 60:10 100:14 130:12		
wiman 1:3,3 5:6 5:10 7:3,22 9:4,7	wordsmithing 85:6		
	work 4:12 5:1 6:3 6:7,10 7:1,15 13:24 14:24 15:8 15:12 21:15 24:9 31:1,22 34:25 35:9 47:1 80:7		

Kentucky Rules of Civil Procedure

Part V. Depositions and Discovery

Rule 30

RULE 30.05: Submission to witness; changes; signing. Any party to an action may make written request before the officer taking a deposition therein that it be submitted to the witness. In such event, and when the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor;

and the deposition may then be used as fully as though signed, unless on a motion to suppress under Rule 32.04 the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.